



## THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY

### SAQA BULLETIN

Volume 12 Number 3

December 2012

*Recognition of Prior Learning in South Africa: taking RPL to scale*





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## Foreword

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We are seldom afforded a second chance in life. There are a number of factors that emerged during the past three years that allowed Recognition of Prior Learning (RPL) to be given a second chance and all of us a “second bite at the cherry”. The political context changed with the appointment of Dr. Blade Nzimande as the Minister of Higher Education and Training who is committed to opening access in the post-school education and training system. The Minister released the Green Paper on Post School Education and Training in January 2012 that gave impetus to the RPL idea by acknowledging that much more should have been achieved and much more should be done. The National Skills Authority at its national skills conference focused on RPL and reminded us that RPL in the workplace was not getting the necessary attention it deserves. Cosatu at its education policy conference expressed the view that it has left RPL in the hands of the “academics” for too long and came to the conclusion that it is time to take up RPL in ways that should challenge the status quo. The National Qualifications Framework (NQF) Act 2008 which replaced the South African Qualifications Authority (SAQA) Act of 1995 gave SAQA a different mandate which includes “advancing the objectives of the NQF and overseeing the further development and implementation of the NQF”. So SAQA, as the custodian of the NQF values, is now tasked not only to develop policy but must also actively oversee its implementation. Collectively the RPL community has learnt very important lessons over the last fifteen years and in particular the lesson that for RPL to succeed it needs a central driving mechanism.

The second wave of RPL started with the convening of an international conference in February 2011 which was attended by more than 350 local and international RPL practitioners and experts. The conference resulted in a *Resolution and Working Document on RPL* (SAQA 2011) which has provided an important roadmap for the ongoing work in this area. Amongst others, the *Resolution and Working Document on RPL* proposed a Ministerial RPL Task Team which was subsequently established in January 2012 on SAQA's advice. SAQA also began the process of reviewing its 2002 RPL policy and to this end established a Reference Group to help drive this process. SAQA supported key projects and initiatives and began taking up the problems that people encountered in the workplace and learning institutions related to access and recognition of their learning. Through its website, publications and seminars SAQA

started to advocate for higher visibility for RPL. SAQA also established an NQF and Career Advice Helpline to assist and interact with the public as well as addressing their concerns. The Helpline also identifies systemic barriers to RPL and brings this information to the attention of the policy makers. It established a research partnership with the University of the Western Cape (UWC) which significantly contributed to the international conference (in February 2011) and the production of new knowledge. UWC, in collaboration with SAQA, developed a course on the NQF and Lifelong Learning which aims to develop leaders for learning including the area of RPL. The Minister of Higher Education and Training appointed me to serve on the Ministerial Task Team in January 2012 and SAQA embraced this opportunity and supported the work of the Task Team through providing a meeting venue as well as contributing to research needed.

We in SAQA felt it would be important to share some of the SAQA commissioned research with the wider RPL community and decided to produce this Bulletin for wide circulation. While the ministerial report will soon be available for public comment we believe that this Bulletin will contribute to the underlying understanding and debates of RPL not only in SA but also internationally.

I want to recognise the significant contributions of Elana Michelson (United States) and Patrick Werquin (France) to our thinking on coordinating and legislating RPL respectively, as well as Burton Malgas for preparing the detailed report on RPL activities within the Sector Education and Training (SETA) environment. Thanks to Shirley Lloyd, Loffie Naudé, Molatelo Tloubatla, Matthews Phenya and Yvonne Shapiro for contributing to the other papers, and James Keevy for overall coordination of the various activities and for ensuring that our international work contributes to our thinking about the South African context.

We trust that this edition of the SAQA Bulletin will become an important resource document as we embark on this journey, through this second wave, to collectively work towards taking RPL to scale in South Africa.



**Joe Samuels**  
**Chief Executive Officer**  
**December 2012**

## Editorial comments

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This edition of the SAQA Bulletin draws together a number of recent contributions focusing on RPL in South Africa, most of which were undertaken or commissioned by SAQA in support of the Ministerial RPL Task Team that was tasked to develop a national strategy for the wide-scale implementation of RPL in the post-school education and training system. At the time of the finalisation of this Bulletin, the recommendation from the Ministerial Task Team had been completed and submitted to the Minister: Higher Education and Training. The contributions have also fed into the development of the revised SAQA policy on RPL, which at the time of the finalisation of this Bulletin was being released for public comment, after which it will be finalised in early 2013.

This collection of papers offer important insights into the current RPL debates as South Africa considers how best to take RPL to the next level. Importantly, the papers build on earlier activities such as the Organisation for Economic Co-operation and Development (OECD) study that was concluded in 2009, as well as the successful international RPL conference that was hosted by SAQA in February 2011.

The first contribution is the *Resolution and Working Document on RPL* that was produced as a direct outcome of the conference in February 2011. Although this document has been printed and distributed by SAQA as a stand-alone publication, it has also been included in this Bulletin as it forms an important point of reference for the other papers. As noted in the introductory note to the *Resolution and Working Document on RPL*, the document represents the knowledge, experience and views of over 350 individuals representing a significant component of both the South African and international RPL community. Some of the key recommendations included the need for a Ministerial Task Team on RPL (which was subsequently established, see the first paragraph above), as well as the proposal for a National RPL Institute. The *Resolution and Working Document on RPL* has been used as an important guiding document since 2011.

The second paper was prepared by Elana Michelson who is Professor of Cultural Studies at Empire State College, State University of New York. In addition to being regarded as an international expert in the field of RPL, Michelson has also had extensive involvement in

the post-apartheid education and training system in South Africa. Michelson was commissioned by SAQA to prepare a contribution on international models for RPL as well as the applicability of such models in the South African context. In her paper, Michelson considers the Dutch *Kenniscentrum*, as well as models of RPL in the United States and Canada. Based on the research Michelson recommends, amongst others, that a centralised RPL Institute be established as well as a range of strategic projects that “can quickly go to scale”.

The next paper was prepared by Shirley Lloyd who is based at SAQA. Lloyd provides a concise overview of the current legislation in South Africa which impacts on RPL. She notes that there is an absence of direct reference to RPL in most legislation governing education and training. Her reference to an important legal case concerning the residency clause (which limits the amount of credits that can be recognised at a higher education institution) is worth reading in detail as it represents a landmark case that will undoubtedly impact on the RPL landscape in future.

The fourth paper was prepared by Patrick Werquin based in France and who was formerly with the OECD where he led the international research on the recognition of non-formal and informal learning which included South Africa. Werquin was commissioned by SAQA to provide a concise overview of the extent to which legislation in the French context has contributed to the implementation of RPL (or the Validation of Learning Outcomes [VAE] as it is referred to in the French context). This paper provides important insights into the evolution of the French VAE system, but also includes options for South Africa to consider should a legislative route for RPL be considered. Werquin debates the location of RPL within the broader National Qualifications Framework (NQF) context as he notes that this link may result in “unnecessary complexity”. In the extensive annexures to the paper, Werquin provides a very useful explication of French and English terminology that related to RPL, as well as the translation of key aspects of the French legislation.

The paper by Loffie Naudé is based on a more comprehensive report prepared by Burton Malgas on the involvement of Sector Education and Training Authorities (SETAs) in RPL activities. The report finds that SETAs have implemented their own RPL policies based on the SAQA RPL Policy of 2002 (which is currently being revised, see the first paragraph of the introductory comments). Only 16 SETAs reported having implemented RPL in their sectors, while the key drivers for such implementation have been legislative compliance (such as in the Financial and Property sectors) and the need for artisan development.

According to the report, more than 50,000 candidates have been awarded qualifications or part-qualifications through RPL. In terms of financial support to RPL, it was found that nearly R142 million had been allocated to RPL between 2008 and 2011.

The last contribution by Molatelo Tloubatla, Matthews Phenya and Yvonne Shapiro is a brief analysis of RPL records as contained in SAQA's National Learners' Records Database (NLRD). The analysis finds that the total number of records of the achievement of qualifications through RPL is 18,974 (this excludes the achievement of unit standards not yet leading to completed qualifications). They also found that the majority of people achieving qualifications through RPL have been African women. The analysis also shows that only seven quality assurance bodies (six of which are SETAs) have submitted their records of achievement of qualifications via RPL for capturing on the NLRD.

**James Keevy**

**Editor**



# **Working document on the recognition of prior learning**

## *National Recognition of Prior Learning Conference: Bridging and expanding existing islands of excellent practice*

*Benoni, South Africa, 25th February 2011*

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### **1. INTRODUCTORY NOTE**

- 1.1 This *Working Document on the Recognition of Prior Learning* was compiled at the *National RPL Conference: Bridging and expanding existing islands of excellent practice* in February 2011 with the purpose of accelerating development towards a national RPL system. It captures current wisdom in relation to the understanding of RPL, resourcing RPL, effective delivery models for RPL and quality assurance of RPL, based on research and successful practice over the 15 years in which RPL has been implemented in the country. It incorporates inputs from individuals and organisations across the board, including the Higher Education, Further Education and Training (FET) and Skills sectors (including public and private providers); SAQA; the Quality Councils; SETAs; government departments; statutory bodies; professional bodies; non-government organisations (NGOs); organised labour; organised business; employers and individuals. The document also integrates over 70 pages of comments obtained via democratic process in the six-week period following the conference.
- 1.2 The conference was attended by 385 delegates – expert RPL researchers and practitioners, and individuals committed to RPL, from the Higher Education, FET and Skills sectors (including public and private providers); SAQA; the Quality Councils; SETAs; government departments; statutory bodies; professional bodies; non-government organisations; organised labour; organised business and employers. Based on key areas identified at the preparatory workshop for the conference, researchers and practitioners presented their work and made specific suggestions to address the need for common understandings of RPL, sustainable mechanisms for resourcing RPL, effective delivery of RPL and quality assurance of RPL.
- 1.3 The delegates, including a small number of invited international RPL experts from countries with relatively successful RPL systems, considered the theoretical and practical implications of moving towards a fully-fledged RPL system in South Africa, and addressing barriers that currently prevent RPL from going to scale.
- 1.4 It was noted that going to scale regarding RPL requires a long-term strategy, and that RPL policies need to be aligned to this strategy. SAQA's (2002) RPL policy needs to be revised for alignment with current NQF legislation to take cognisance

of the knowledge and practical wisdom generated in the body of now-available RPL-related research and practice; and in order to be more facilitative of implementation than is currently the case. There is commitment across the board to form partnerships for work to enhance the delivery of RPL. The overall view of the conference group and those who contributed to the *Working Document* in the period following the conference is that SAQA needs the assistance of the Minister of Higher Education and Training, as some aspects of building a national RPL system fall outside SAQA's mandate, and urgently require strategic intervention.

## **2. THE CONTEXT FOR A MULTI-DIMENSIONAL NATIONAL RPL SYSTEM**

- 2.1 Despite valiant efforts by many committed educators and trainers, the promises made about RPL in the early 1990s have not been fulfilled. There is an urgent need to bridge and expand existing islands of excellent RPL practice, and to go to scale with RPL in the country.
- 2.2 A communicative, coordinating and collaborative approach needs to be followed for the development and implementation of a multi-dimensional national RPL system that is integrated into the education and training system in South Africa, and that further seeks to reach the unemployed.
- 2.3 RPL remains a national priority which needs to be implemented through collaborations between a wide range of role-players: the Department of Higher Education and Training (DHET), the Department of Basic Education (DBE), SAQA, the Quality Council for Trades and Occupations (QCTO), the Council on Higher Education (CHE), Umalusi (Council for Quality Assurance in General and Further Education and Training), SETAs, public and private providers of education and training at all levels and in all sectors, organised labour, business, employers, NGOs, research institutions, professional bodies, awarding bodies and other NQF stakeholders.
- 2.4 The continued active political support of the Ministry of Higher Education and Training is needed since a national RPL strategy is integral to the new integrated post-school education and training system. The creation of the NQF as a single integrated system with three coordinated sub-frameworks allows for specialised sector-specific approaches that must articulate with each other. The national RPL policy developed by SAQA in 2002 has provided sound and valuable guidance for RPL implementation in South Africa, but is now in need of revision in order to be aligned with the current NQF architecture and associated policies.

- 2.5 RPL has an important place in the country's skills development agenda, as represented in seminal documents like the New Growth Path, the National Qualifications Framework Act, the National Skills Development Strategy (NSDS) III and the Human Resource Development Strategy. The exclusion of explicit RPL clauses from NSDS III results from the transfer of the RPL function from SETAs to the new Quality Councils in the NQF. RPL is one of the elements in Quality Councils' standard-setting and quality assurance criteria and development practices, and Quality Councils are empowered to delegate their RPL functions to competent bodies. The QCTO, for instance, may delegate assessment functions - including the provision of RPL to Assessment Quality Partners (AQPs), including specific SETAs and professional bodies. Delegations would need to take into account that existing occupation-specific legislation may need revision to accommodate RPL. Delegations also need to take into account that RPL involves advisory, administrative and pedagogic (or mediating) as well as assessment interventions. Once such delegations are in place, service level agreements between the DHET, QCTO and SETAs will be required in order to address the current low levels of RPL practice.

### **3. UNDERSTANDINGS AND DRIVERS OF RPL**

- 3.1 A wide range of different types of learning exist and add social value. It is important to recognise different types of learning – including formal, non-formal and informal learning; everyday knowledge and skills; practical wisdom and other types of learning including indigenous knowledge. There is an urgent need to develop common understandings of the types of learning to be recognised for different RPL purposes. Formal learning is recognised through the awarding of qualifications and part-qualifications. Non-formal and informal learning, obtained in the workplace or elsewhere and assessed against relevant learning standards, may be recognised for specific purposes using a variety of forms of RPL within the formal education and training system. RPL processes to assess the different types of learning almost always require specialised advising, administrative and pedagogic (or mediating) processes, as well as differing types of valid evidence and assessment. The understanding of the types of learning is linked to modalities of RPL.
- 3.2 One of the main purposes of RPL, specifically championed by trade unions and recognised in state policy documents, is redress for past and present discriminatory practices. Employers need to promote RPL as a contribution to a better educated, more skilled and more efficient workforce, and the development of workers. Wisely used, RPL can contribute to the vertical and horizontal mobility

of workers both in their career paths and in the learning system, and may both express and reinforce the integration of education and training and the application of learning in different contexts.

- 3.3 RPL is part of the education and training system, not separate from it, and in order to be effective, RPL must be responsive to many different work and learning contexts. Thus, the differentiation of RPL practices is of key importance and “developmental RPL”, which responds to the actual situations and learning needs of individual workers and learners, needs to be the dominant mode. This responsiveness needs to include a focus on a wide range of NQF levels.
- 3.4 It is understood that in the *absence* of previous learning and experience, education and training - and not RPL - is needed.
- 3.5 There is an urgent need for common understandings of RPL.
- 3.6 *Implementation* of RPL policy needs to be ensured at all levels in the system.

#### **4. EFFECTIVE DELIVERY MODELS FOR RPL**

- 4.1 Research and the testimony of conference delegates from many different fields, institutions and sectors, demonstrate that effective delivery models for RPL show diverse characteristics across different contexts, sectors and levels in the learning system. Much delivery of RPL until now has taken place above NQF Level 4; some has taken place between NQF Levels 1-4; and large-scale delivery has occurred in sectors where licence to practice is regulated by the state or professional bodies (e.g. teachers and employees in the financial services sector). There is an urgent need for RPL below NQF Level 1 (i.e. Adult Education and Training [AET] at Levels 1-4). In light of these patterns, it is suggested that:
  - 4.1.1 The absence and low take-up of RPL provision in many sectors at the intermediate levels and below need to be addressed;
  - 4.1.2 A special RPL focus on the return-to-learning for out-of-work youth and adults needs to be encouraged and resourced in collaboration with all relevant stakeholders in the labour market and the national learning system; and
  - 4.1.3 The relative absence of RPL (apart from small-scale RPL interventions) in the FET and AET sectors also needs to be addressed. There has been no RPL provision in Public Adult Learning Centres (PALCs), for example.
- 4.2 The following are critical factors for the further exploration and development of effective delivery models for RPL:
  - 4.2.1 The search for a shared language and understanding of RPL principles; and advising, administrative, teaching-learning (mediation) and assessment processes which nevertheless allow for diversity of

purposes, practices, languages (mother-tongues) and types of evidence in and across different contexts and learning pathways. For example, RPL in Higher Education will need to take disciplinary (subject-specific and field-specific) contexts into account; RPL in working environments will need to take occupation-specific requirements into account; while RPL in the FET sector will need to take into account both vocational (college-based) and occupational (workplace-based) contexts. RPL is needed for Fundamental Learning;

- 4.2.2 The development of enabling agreements among key stakeholders to enhance effective progression and articulation of RPL practices and services in and across different learning and qualification pathways;
- 4.2.3 Advocacy (“getting RPL to the people”) is a critically important part of an effective RPL system and requires urgent attention steered by SAQA's NQF Advocacy campaign. The provision of information and advisory services combined with effective counselling and support at national, regional, sectoral and institutional levels are extremely important; and
- 4.2.4 The provision of effective administrative and logistical systems and related staff capacity to deliver quality RPL on a large-scale is also critically important.

## **5. THE QUALITY ASSURANCE OF RPL**

- 5.1 The revision of SAQA's 2002 national RPL policy needs to take into account improved understanding of RPL practices across education, training, development and work, as well as the new NQF Act 67 of 2008 and subsequent policy developments.
- 5.2 RPL-related advising, administration and pedagogic (mediation) processes; assessments and moderation need to take place against agreed standards, qualifications, part-qualifications, outcome statements and other descriptions of learning.
- 5.3 In the quality assurance of RPL, standardisation can only take place *in similar instances of RPL*. An effort needs to be made to allow standard practices to grow within sub-sectors, rather than imposing top-down standardisation. One size does not fit all.
- 5.4 The concept of quality in RPL needs to be taken beyond traditional reliability and validity: a broader notion that encompasses other indicators needs to be considered. Theoretical work done on competency assessment in education and training which proposes quality indicators such as acceptability to stakeholders, fitness for purpose, transparency, fair consequences and several others needs to

be explored for its use in judging the quality of RPL assessments. Appropriate cognitive complexity and competences (benchmarks) are essential.

- 5.5 The measurement of equivalence is very complicated, but it is important to persevere with attempts to find ways of measuring it. Curriculum comparisons, for example, are a robust means to establish comparability of cognitive demand (level of difficulty). The NQF level of a qualification indicates cognitive demand as described by the level descriptors for the specific level concerned. Qualifications at the same NQF level have similar cognitive demand but are not necessarily equivalent.
- 5.6 No distinction must be made between qualifications awarded through conventional and RPL routes. Inconsistent practices in this regard need to be corrected, including the RPL provisions of Sections 13 and 28 of the Manpower Training Act, 1981. If progress in terms of the national provision of RPL, and of individual RPL candidates in particular, is to be assessed, however, RPL details would need to be given – under conditions of strict confidentiality – to the NLRD.
- 5.7 The collection and analysis of RPL data remain weak within the South African system. The potential of SAQA's NLRD must be utilised in this regard, particularly through the capturing of information on part-qualifications. SAQA also needs to keep a register of RPL facilitators, assessors, moderators and administration officials. Preparations for the biennial publication of RPL data should be initiated in the 2011/12 financial year.
- 5.8 Thorough and effective training for RPL facilitators, assessors, moderators and RPL administration is a priority. This training needs to take into account the different national languages (mother tongues) in the country. It needs to include a review of short-term assessment training (which is known to be inadequate), registration requirements and continuing professional development (CPD) by the end of the 2011/12 financial year; and the establishment of a professional association for RPL practitioners, recognised by SAQA, by the end of the 2012/13 year. Individuals with existing related competences need to be identified. Modules on RPL advising, administering, pedagogy (mediation), assessment and moderation, for example, need to be developed, for the development and professionalisation of these specialised services.
- 5.9 Shared understandings of quality assurance need to be developed.

## **6. THE RESOURCING OF RPL**

- 6.1 Both social development and economic effectiveness are key parts of the South African RPL model, and both need to include *state-led* and *state-guided* initiatives and partnerships. Successful existing points of delivery as well as new ones need

to be recognised. Resourcing needs to mirror a multi-dimensional National RPL Strategy, which in turn needs to be informed by the systemic contexts involved. The delivery model needs to be the cost driver. An enabling legal framework must be created. Incentivisation from the state is required, which may include the consideration of tax incentives. The Skills Levy belongs to the state, and must be used accordingly.

- 6.2 RPL is not free and is not always cheap though it is cheaper than formal education and training; RPL must be paid for. In most models, the user pays directly, but often on the basis of received funding, such as vouchers. Funds are available in the education and skills development systems and they need to be identified and ring-fenced (examples include allocating a number of cents per rand in the Skills Levy, for RPL; RPL candidates' subsidies being calculated in terms of the Full Time Equivalents (FTEs) approach in the FET and Higher Education and Training (HET) funding formulae, and others). There must be a fund for unemployed individuals. For fair distribution of funds, funds need to be accessed through applications that fulfil criteria such as specifying the purposes of the RPL interventions required (including access and articulation requirements) and the stakeholders in the intervention, in order to identify who should pay. Advisors to assist potential candidates, as well as arbiters and monitors, need to be trained to facilitate the related processes. "Group" as opposed to "one-on-one" RPL needs to be considered.
- 6.3. Fees in the private sector relate to supply and demand (if there are few assessors, prices for assessment rise; high numbers of assessors and candidates reduce costs): given the considerable extent and importance of work being done within private provision of RPL in the country, RPL funding policy needs to enable a reasonable but *sustainable, fair and accessible* RPL 'rack rates' in this sector.
- 6.4 Discrepancies in pricing are problematic. Fees for RPL need to be harmonised: similar kinds of RPL in similar contexts need to be consistently priced. Relevant economic concepts in mainstream (market-based) and alternative economic models (the latter focusing on social development) need to be investigated, understood and applied where appropriate in order to achieve policy objectives in line with poverty alleviation, inequality, equity and human development indicators, all of which will help strengthen South Africa's position in a global world.
- 6.5 There is scope for the sharing of facilities, staff and expertise across the RPL system and existing education and training institutions in a sustainable way, which needs to be explored.
- 6.6 Both public *and* private provision of RPL needs to be appropriately resourced in order to take RPL to scale. Both sufficient time and funds need to be available. All

functions that need to be paid for need to be listed, including the training of RPL advisors, facilitators, pedagogues (mediators), assessors, moderators and administrators, as well as hidden costs such as advising, guiding and facilitating, teaching towards assessment, assessment and moderation processes, quality assurance and research and development. RPL targets within institutions that are over-subscribed need to be defined.

- 6.7 RPL candidates' "opportunity costs" (such as loss of income while undergoing RPL) need to be examined thoroughly. Benefits flowing from successful RPL across different contexts need to be clearly defined. Ability to pay needs to be taken seriously, because RPL needs to be inclusive, and available to both employed and unemployed workers and learners in both urban and rural areas.

## **7. A MULTI-DIMENSIONAL NATIONAL RPL STRATEGY**

- 7.1 The conference recognises the need for a Ministerial RPL Task Team that will be asked to give clear direction regarding a multi-dimensional National RPL Strategy. It is suggested that the strategy needs to be a step-by-step programme that builds on existing research and good practice and takes account of relevant international experience.
- 7.2 In addition to the proposals in previous sections of this document, the multi-dimensional National RPL Strategy needs to include at least the following elements:
  - 7.2.1 Proposals for a National RPL Institute which would conduct, coordinate and disseminate a network of RPL-related research (both qualitative and quantitative) and information on effective practices, and use this information for ongoing development and improvement of a national RPL system;
  - 7.2.2 Proposals for the registration of RPL centres;
  - 7.2.3 Proposals for an RPL Clearinghouse in the NQF and Career Advice Helpline and related Help Centres to help those looking for RPL, those going through RPL and those needing assistance with RPL. Advisors would undergo regular training updates in order to remain abreast of the latest developments in RPL policy and implementation, research and practice;
  - 7.2.4 Workable and effective funding mechanisms for all levels of provision in the public and private spheres;
  - 7.2.5 Standard RPL templates and techniques that are customised (adapted for use) in different sectors, sub-sectors, fields, subjects and contexts as needed;

- 7.2.6 National RPL benchmarks that take into account sectoral specifics;
  - 7.2.7 Exit strategies for successful RPL candidates that clearly map and facilitate their continuation along work or learning pathways;
  - 7.2.8 Proposals for systematically expanding RPL networks and expertise towards a national RPL system that is integrated with the education and training system in the country, and that aims to include groups and individuals in the system as well as those not yet in the system;
  - 7.2.9 Proposals to address known barriers to RPL such as university residency clauses, language barriers in RPL processes, the need for guidance around RPL processes, barriers presented in some contexts by the use of narrow RPL assessment techniques such as the portfolio of evidence, and others;
  - 7.2.10 Proposals for integrating and professionalising RPL practitioners and practices within the education and training system as a whole;
  - 7.2.11 At *least* one biennial meeting of all stakeholders for the purposes of information sharing and joint RPL work and development (in light of the fact that there was also strong support for an annual meeting of this kind); and
  - 7.2.12 An action plan which specifies what must be done, by whom and when.
- 7.3 The conference supports the proposal for a Reference Group to assist SAQA with RPL policy development.<sup>1</sup>
- 7.4 In conclusion, RPL needs to be taken to scale. Important lessons have been learned over the past 15 years. The islands of excellent practice need to be bridged and expanded to a fully- fledged RPL system that is integrated with the education and training system in the country. Key projects need to be identified for the 2012-2014 period as a matter of urgency, and such projects need to be resourced effectively.

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<sup>1</sup> The proposed Reference Group will assist SAQA with the development of RPL policy. A Ministerial Task Team that will provide overall guidance to the Minister on a National RPL Strategy is also being considered. The proposed Reference Group and Task Team are two different structures with different purposes.



# Report and recommendations to the South African Qualifications Authority based on international models of the recognition of prior learning

*Elana Michelson*

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## ABSTRACT

The first part of this report reviews several international models for RPL and explores the applicability of those models to the South African context. It focuses specifically on the Dutch model for vocational RPL, the American model for RPL in formal educational settings and one of a number of Canadian models for RPL in the context of community development and cultural renewal. The second part of the report provides three major recommendations based on an analysis of the viability of international models in South Africa.

## PART ONE: LESSONS FROM INTERNATIONAL PRACTICE

### *RPL in Vocational Contexts: the Netherlands*

As in Europe generally, RPL<sup>2</sup> in the Netherlands is very much a product of European political and cultural traditions, current European economic conditions, and the need, with the establishment of the European Union, for mechanisms that allow interchange of credentials among the member nations.

According to Duvekot, Kaeming and Pils (2003), RPL in the Netherlands serves 'a wide range of objectives, from personal certification to an integrated HR approach at organisation level, from individual career development to sectoral training policy, etc.' (2003: 1). The *Kenniscentrum* (the "knowledge centre" that promotes RPL throughout the Netherlands) and its partners strive for a "common understanding" among all stakeholders, promote transparent and ethical practice, recognise that assessment methods must be tailored to the individual work environment and the individual learner, and interpret holistically the relationship between standards and outcomes in the abstract and the actualities of workplace practice. In 2006, stakeholders agreed to a quality framework for RPL that, while voluntary, promotes transparency and articulates minimum standards (Maes 2008). The current focus of the *Kenniscentrum* is on quality assurance, consistency, and transparency.

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<sup>2</sup> Unless quoting directly, I use the South African usage, "RPL", throughout this report. The equivalent terms in the Netherlands, the United States, and Canada are *Erkenning van Verworven Competenties* (EVC), prior learning assessment (PLA), and prior learning assessment and recognition (PLAR), respectively.

There is a great deal to admire in the Dutch approach to RPL. The Dutch seek to serve a wide range of individuals through a network of “one stop” regional offices where individuals can walk in, access multiple services and be pointed in multiple directions depending on their needs. Equally impressive is their commitment to flexibility and responsiveness, needs assessment based on the specific requirements of a specific workplace and continued improvement of assessment methods and procedures. Much to their credit, they define themselves as a “work in progress” and acknowledge that they have yet to meet a number of challenges, among them the culture shift that would move away from one-size-fits-all assessment and foster the embracing of RPL by the broader society.

The Dutch government has provided a substantive amount of monetary support for RPL. The current infrastructure was developed with the help of 40 million euros between 2005-2007 alone, and RPL continues to have support from the Ministries of Education, Culture and Science and of Social Affairs and Employment (*Ibid.*, 2008: 3).

#### The Dutch Approach to RPL in the South African Context

Both the enabling context in which Dutch RPL operates and the approach of Dutch RPL practitioners differ in important ways from the current state of RPL in South Africa. Specifically, Dutch RPL is characterised by a commitment to a “bottom-up,” voluntary approach, a focus on the individual rather than broad groups of workers and a very different social and economic environment.

#### A commitment to a bottom-up voluntary approach

RPL in the Netherlands is characterised by voluntary participation on the part of employers, employees and educational institutions and reflects the choice on the part of the Dutch government of a bottom-up method for the stimulation and implementation of EVC (*Erkenning van Verworven Competenties*) that puts the initiative in the hands of sectors, regions and individuals and, with very few exceptions, relies on local initiatives and decentralised policies (Duvekot 2010). The covenant promoting quality assurance is voluntary (Maes 2008). Individuals working through the available RPL structures are granted a “certificate of experience” to submit to an educational institution, but the certificate only has the status of “advice” and the ‘autonomous institutions decide for themselves how to use the results of EVC procedures’ (Duvekot 2010: 11). The role of the *Kenniscentrum* in particular is consistently described in words such as “promote”, “collect”, “share”, “stimulate”, “advocate” and “raise awareness” rather than “drive” or “coordinate”. It is effective because it works in partnership with a network of RPL regional offices and benefits from a history of cooperation between a democratic government, the

private sector and civil society. Given the realities of South Africa, the distinction between voluntary and democratic is worth noting. Where there is little tradition of equitable dialogue among differently positioned entities of unequal power, democratic participation has to be helped to happen. It requires intentionality, structure and financial and institutional drivers which voluntary measures alone cannot be relied upon to provide.

#### A focus on the individual in the context of the management of human capital and of short-term economic conditions

RPL in the Netherlands is framed in terms of lifelong learning for ‘the enterprising individual who is working to develop himself or herself continuously’ (Duvekot *et al.* 2003: 3), an individualist approach that is enshrined in the first two principles of the European Guidelines for the Validation of Non-formal and Informal Learning, whereby the focus of the validation process is the individual<sup>3</sup>. This, in turn, rests on a centuries-old European notion of citizenship and possessive individualism in which rights adhere in the individual, in which the collective is seen largely as a repressive mechanism from which individuals must be protected, and in which individuals are seen as the owners of their own knowledge because, as free citizens, they are owners of themselves.

Further, the Dutch approach is based on a context in which the lack of access to education and upward mobility is defined as an individual problem amenable to individual solutions and in which any perceived skills gap in the economy is understood as the product of short-term technological change, globalisation, and economic downturn rather than one of a history that kept most workers intentionally and viciously underskilled. To be sure, there is an awareness in the Dutch approach of longer-term economic trends; that awareness, however, is framed in terms of the management of human capital, matching the skills of individual workers to the job market and helping individuals improve their employability.

#### A very different social and economic environment

This last point speaks, of course, to the very different social and economic environment in which RPL is playing out in the Netherlands specifically and in Europe generally. The Dutch approach assumes high levels of functional literacy, a unilingual workplace, a functional FET sector and, for the most part, a prosperous economy. A related major difference, of course, is the absence of anything equivalent to the redress imperative in South Africa, and that is not because the Netherlands is a problem-free social utopia. The

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<sup>3</sup> [http://ec.europa.eu/education/policies/2010/doc/validation2004\\_en.pdf](http://ec.europa.eu/education/policies/2010/doc/validation2004_en.pdf)

presence of immigrant groups from beyond Europe, the many people on social security and the challenge of RPL with non-Dutch-first-language speakers are nowhere mentioned in the EVC documents. While there are some RPL projects that are funded through collective bargaining agreements, the trade unions play a largely passive role, nor is there any sense of contestation between the agendas of labour and management. The needs of the industrial sector and the needs of individuals are seen as being in harmony.

### ***RPL in Higher Education: the United States***

RPL in the US is located almost exclusively in higher education and used not for access but for academic credit toward a degree for learners who have been admitted through other means. There is no national qualifications framework or any national policies concerning RPL, and the approach, like that of the Netherlands, is voluntary. While generic evaluations of non-formal training exist, they are recommendations made by educational organisations such as the American Council on Education, and it is up to individual institutions to accept them or not. The variety of assessment methods include national or departmental exams used as evidence of comparable learning, but the method of choice is typically a portfolio of evidence, with an emphasis on written essays supported by documentation.

The expectations for RPL applications, especially written portfolios, are considerable. In most RPL-granting institutions, students must frame their learning with reference to the content or (implicit or explicit) learning outcomes of a particular module or course. Some flexibility is built in through the existence of modules such as “Topics in...” or “Practicum in...”, and some institutions grant students credit for interdisciplinary clusters of knowledge that meet broad expectations for academic learning rather than the specific content of a module. Because of the academic demands of the process, one approach is for portfolio-development to be taught by lecturers in academic development, thus building practice in academic writing into RPL. Typically, each institution conducts its own RPL processes; while there are some successful consortia of institutions sharing an RPL centre (see for example Fitch in Michelson and Mandell 2004), lack of trust across institutions, among other factors, has hobbled many such efforts.

The pedagogical frame within which RPL is offered typically combines methods of credit-transfer and accumulation with a broadly developmental and liberal humanist focus in which students are encouraged to gain not only credit toward a degree, but greater intellectual self-confidence, heightened self-knowledge, insight into academic norms and, as stated above, improved academic communication skills. (See, for example, Roth

*et al*, Mann and Crowe in Michelson and Mandell 2004). In spite of the inequities of academic preparation that can be traced in the US, as elsewhere, to inequities of class and race, there is little formal acknowledgement of the particular challenges faced by working class students and students of colour. Nor is much attention paid to recognising alternative traditions of knowledge and skill based on ethnicity or craft.

This approach to RPL has been quite successful in the United States in giving adults academic credit for prior experiential learning. That success has been predicated on a number of factors that are characteristic of or consistent with American higher education in general. These include:

- A fully modularised curricular structure with a relatively large number of disparate “courses”;
- A relatively large number of “elective” courses that are not necessarily tied to a particular year of study;
- A social history and cultural tradition in which, at various times, large groups utilised access to higher education as an instrument of upward mobility;
- A single system that spans community colleges (closer to the FET sector in South Africa), baccalaureate-granting liberal arts colleges, technical and professional colleges, and universities;
- Cultural traditions that value “know-how” and the “self-made” individual;
- The establishment in the late 1960s and early 1970s of a number of experimental baccalaureate-granting liberal arts colleges (or entities within larger colleges and universities) to serve adult learners in innovative and non-traditional ways;
- The use of RPL with adult learners who have already been given access through other means for purposes of gaining credit toward the degree;
- Relatively high levels of formal literacy among much of the population;
- The development of “for-credit” courses in which RPL portfolios are constructed and submitted;
- The desire on the part of some institutions to attract and admit adult learners; and
- The willingness to offer many degree programmes to students studying part-time.

Taken together, these characteristics make RPL relatively easy to insert into academic life both structurally and culturally. While most of the HET sector does not embrace RPL, there is a critical mass of what are called in North America “adult-learner-friendly institutions” (ALFIs) whose RPL policies and procedures are recognised and respected.

### The American Approach to RPL in the South African context

In 1997, the US approach was introduced to South Africa by the Council for Adult and Experiential Learning (CAEL). Housed in the Workers Higher Education Project<sup>4</sup> (WHEP) of the Joint Education Trust and funded by the Ford and Kellogg foundations, this well-resourced and well-meaning intervention included a series of conferences, assessor-training workshops, awareness-building seminars and pilot projects, with some local success in introducing RPL to HET.

It can be argued that much of the work on RPL that has taken place in South African higher education is traceable, directly or indirectly, to this effort, if only because of its success in building a network of South African academics who are knowledgeable about and committed to RPL. The academics who have led or now lead RPL initiatives at the University of the Western Cape (UWC), University of South Africa (Unisa), University of Cape Town (UCT), Cape Peninsula University of Technology (CPUT), University of the Witwatersrand (Wits), University of KwaZulu-Natal (UKZN), University of the Free State (UFS) and Tshwane University of Technology (TUT), among other institutions, received exposure to and training in RPL through WHEP. Moreover, the use of portfolios, the development of HET-based portfolio-development workshops and the use, in some cases, of RPL for advanced standing all reflect the influence of the American model of RPL in colleges and universities.

That said, the usefulness of the American model was limited by the lack of equivalence in South Africa to the enabling factors in US higher education. In terms of curricular structure, South African institutions had none of the flexibility, modularisation or elective options of American institutions. The innovations did not exist that would have facilitated RPL: for-credit RPL workshops, broad options for part-time study, alternative introductory courses that took field experience into account and “trade-offs” between extra needed work (in English-language academic development, for example) and knowledge informally acquired (other languages or relevant field experience) that were arguably equally vital to graduate competence. The rigidity (and, in many cases, absence) of horizontal, vertical and diagonal pathways between levels of post-secondary education precluded other flexibilities taken for granted in the US. Finally, the competition for students that often characterises the vast map of US higher education had no equivalence in South Africa; higher education institutions (HEIs) were already feeling the pressure of new, post-democracy student numbers, and with those new pressures came

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<sup>4</sup> Full disclosure: the present writer was the senior CAEL consultant to the Workers Higher Education Project.

often-expressed concerns concerning the academic preparedness of school-leavers, let alone adult workers with a lack of formal schooling.

Equally important, and in the end constraining, have been the cultural realities of the South African academy in which the contested relationships between communities of practice and the differences between academic and “everyday” knowledge became the focus of resistance to RPL. On the one hand, there has been substantive, sustained scholarship concerning the differences in academic and non-academic communities of knowledge, the effectiveness of RPL as a pedagogical device, and the need to attend to issues of epistemological access. On the other hand, however, the relative lack of academic literacy and formal theory among workplace practitioners, confluences of knowledge that are difficult to categorise in disciplinary and/or academic terms, and other differences have made many South African academics wary of RPL.

Viewed most broadly, it can be argued that the relative lack of receptivity to RPL among South African academics should be understood in terms of a critique that has recently gained purchase concerning the refusal on the part of most South African academics to problematise conventional epistemological rigidities and engage with hybrid knowledge and alternative communities of practice. In other words, as Ari Sitas has said, the problems that faced RPL in South African HET were sociological rather than technical, related to a cultural history in which only a select few had access to higher education (SAQA 2003, cited in Blom, Parker and Keevy 2007) and in which the skills, knowledge and wisdom held by the majority was the subject of scorn (Sitas 2011). At its heart, RPL is an inquiry into the complex ways in which “creative and cognitively enhanced activities” lead to the creation of knowledge as a by-product of sustaining the human world. The lack of broad engagement with RPL on the part of academics was thus related to a refusal to engage disparate (i.e. non-European) forms of cultural and artistic expression, environmental and ecological traditions, workplace practices and the knowledge born of life maintenance activities and traditions of mutual aid (Sitas 2011; Michelson 1997).

### ***RPL in community and cultural renewal: Canada***

For the most part, RPL in higher education in Canada is consistent with the US. More than most countries, however, Canada has developed approaches to RPL that explicitly acknowledge its history as a white settler country whose indigenous people have faced economic and cultural devastation. This is partly owing to the central role played in the development of RPL by Aboriginal educators, most notably at First Nations Technical Institute (FNTI), a vocationally oriented college located on the Tyendinaga Mohawk Territory near Deseronto, Ontario, whose academic staff and student body are largely

Mohawk, Ojibway and Cree. To be sure, these approaches are outside of the mainstream and do not represent the bulk of RPL activity in Canada. They do, however, represent an alternative perspective that has recently gotten the attention of both the Canadian government and Aboriginal educators in Latin America. FNTI has established agreements with *Programa Origenes* in Chile and the School for Governance in Ecuador. These agreements are intended to explore areas of mutual interest focusing on RPL, culture and education. Further, the Indigenous Peoples Partnership Program of the Canadian International Development Agency has provided financial support toward the creation of Indigenous institutes of higher education that draw on the example of FNTI.<sup>5</sup>

As practiced in FNTI, and elsewhere in North America, RPL is embedded in the curriculum for learners who have already gained access to higher education. RPL serves multiple roles at FNTI: to assess and recognise knowledge and skills that can be applied to a formal vocational qualification, to relate cultural knowledge to those qualifications, to engage the ways in which new learning is blocked by internalised oppression and to contribute to cultural renewal and self-worth. 'The unique cultural history of Aboriginal adults makes PLA [prior learning assessment] both more complex and contradicted and more central to educational success. Specifically, the life experiences of Aboriginal adults have been tainted by the impact of generational abuse stemming from the historical obstacles to which a program like ours needs to directly respond' (Hill 2004: 139-40).

One of the ways in which FNTI builds RPL into both professional qualifications and cultural renewal is to argue that in fields such as social services, culturally relevant knowledge *is* an aspect of professional competence. In conjunction with the state-mandated official learning outcomes for human service workers that all Canadian students in the field must meet, learners at FNTI must meet a second set of expectations that relates to sustaining the Aboriginal community. While these two sets of criteria grow out of very different understandings of social service, the attempt is made to integrate them, to have students identify their knowledge and skill against both sets of benchmarks and to grapple with the very different assumptions and expectations implicit in each.

RPL at FNTI is also grounded in the felt need to confront the psychic and spiritual legacy of oppression, a need that is understood as both personal and collective; by revisiting that part of experiential learning that is the result of historical trauma, learners are, to a degree, able to heal themselves and to understand the need for healing in the community.

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<sup>5</sup> <http://www.fnti.net/prior-learning-overview>

Aboriginal healing practices focusing on multi-generational trauma are part of the portfolio-development process, as is the need to achieve balance 'in each and every circle of one's many relationships, [which] requires adult learners to become aware of the spiritual, mental, emotional and physical realities of the world surrounding them' (*Ibid.*, p. 158).

Other more “grass-roots” approaches to RPL are used elsewhere in Canada with different populations. The Prior Learning Centre located in Halifax, Nova Scotia, for example, uses RPL to help economically marginalised job searchers appreciate and feature aspects of their “skilled selves”. The centre's portfolio process has been introduced to groups across Canada that confront a variety of barriers to employment, long-term social welfare, a lack of formal literacy, ageism, disabilities and incarceration (personal communication, Mrazek, B. 15 April 2012).

#### The Aboriginal-Canadian Approach to RPL in the South African context

The FNTI approach is predicated on a very different history of cultural oppression from that of South Africa. Rather than requiring indigenous peoples to remain exclusively within their culture, policy in both the US and Canada sought to destroy Aboriginal languages and cultures and to inculcate contempt for and disinterest in native heritage. These policies included the forced attendance at residential schools in which the young were required to wear European dress, beaten if they were caught speaking their languages and taught a curriculum that focused on native “backwardness” and the “white man's” superiority. While the devastations of self-hatred and feelings of inferiority are likely comparable in many ways, the result is that the hunger for indigenous ways is more palpable in Canada (and the US) than it seems to be in South Africa.

Given the different but parallel histories of cultural devastation and their legacy of psychic and intellectual trauma, this approach is suggestive and has already been introduced to some degree to South Africa, most notably in collaboration with the Workers' College at UKZN. Understood as an holistic exploration of the knowledge that exists in individuals and communities, RPL can contribute to intellectual and epistemological decolonisation and affirm 'cultural formations lost and re-created in the striving for... an African modernity' (Sitas and Mosoetsa 2011: 14). Its future in that regard, however, is tied to the broader issue of the reclaiming of indigenous knowledge, attention to RPL outside of formal academic and vocational systems and the ongoing struggle within South Africa to overcome the deep psychic wounds of the past.

***International models for RPL and the South African context: final thoughts***

In their keynote address to the RPL conference hosted by SAQA in 2011, Mignonne Breier and Judy Harris said frankly that 'imported models of RPL have not worked well or straightforwardly here' (SAQA 2011: 210) and that, because of factors such as the extent of educational disadvantage, it may be that they cannot. Certainly, they haven't in the past. Australian and British models of unit standards, which were intended for a post-Fordist workplace, could not be made to work in workplaces that were, and in many cases still are, based on the apartheid division of labour. The CAEL-Joint Education Trust (JET) projects funded by Ford and Kellogg floundered on the different relationships of FET and HET in the US and South Africa, different curricular structures and different historical roles for HET.

The distinction that Chakroun (2010) makes between "policy borrowing" and "policy learning" is important here. South Africa and South Africans have already learned much of what can be learned about RPL, have largely absorbed important lessons, and, in many cases, moved beyond international experience to careful analyses of their own experience of RPL. Certainly, South Africans now understand *better* than the rest of the RPL world about the complexity of trying to "capture" what Ari Sitas, in his address to the RPL conference, called 'the interplay of the formal and the non-formal [that] are the signs of creative and cognitively enhanced activities' (Sitas 2011). While RPL mechanisms around the world, including the Dutch *Kenniscentrum* and CAEL's principles of good practice, articulate generic principles such as fairness, transparency and validity, those same elements have been articulated and replicated multiple times in South Africa. And South Africa is simply ahead of everyone else in grappling with the complexities of workplace languages and mother tongues, tacit theory and limited formal literacy.

Moreover, the relationship of the history of South Africa and the current expectations for RPL are extremely telling. In both the rhetorical and the reality, South African RPL is playing out against the still-looming backdrop of the apartheid education and wage divide, vast structural disfunctionalities and inequities, a powerful trade union voice, low levels of formal literacy, multiple mother tongues and workplace languages, and other factors that need not need be repeated here. At the end of the day, however, much RPL rhetoric internationally is shifting to "efficiency"; any approach likely to gain purchase in South Africa both needs to have redress as a central issue and needs to account for the uniqueness of the South African context. The latest ANC policy documents show again the continued legacy of the post-apartheid workplace, pointing out that South Africa has one of the most unequal pay scales in the world (ANC 2012: 7). SAQA's own "Working Document" on RPL states that 'redress for past and present discriminatory practices' is

still a key purpose, as is contributing to 'a better educated, more skilled and more efficient workforce' (2011: 10-11). While disappointment and frustration exist concerning the perceived lack of progress in overcoming the education and wage divide, recent voices from organised labour continue to connect RPL to development pathways and employment (Maboye 2011).

## **PART TWO: RECOMMENDATIONS**

Naïve as they may now seem, the hopes placed on RPL in the transition to democracy were not misplaced. RPL speaks to the human aspiration to be seen and honoured for what one already knows, to be given access to new learning opportunities and to contribute to society through creative and meaningful work. RPL has the potential to redress not only the education and wage gap, but the epistemological oppressions through which they were justified, the contemptuous dismissal of the knowledge traditions of the workplace, of "women's work" and of Africa.

The recognition of prior learning remains... a key demand in the country's democratic revolution and it challenges the principles of all movements - the Freedom Charter, where the doors of learning should have been opened by now; the BCM with its strong emphasis of self-emancipation, and the African Renaissance movement which seeks a re-affirmation of the talents and capacities of all Africans (Sitas 2011: 19).

Thus, while other goals such as efficiency and the facilitation of employment mobility are served by RPL, the South African context demands that 'redress for past and present discriminatory practices' (SAQA 2011: 11) remain central to its mission. Nor is this in conflict with the need to address the "skills gap" that is the other often-stated goal of RPL. RPL is central both to recognising the skills that in fact exist in the workplace, creating learning pathways where gaps exist and distinguishing a true "skills gap" from what is better understood as a "recognition gap".

In spite of a number of worthy projects and islands of excellent practice, it is widely recognised that RPL has not yet lived up to its promise. The reasons for this have often been identified, most thoroughly in SAQA's Country Background Report for the OECD Review (Blom, Parker and Keevy 2007), and will not be repeated here. In light of current initiatives, however, three aspects of the analysis are worth noting:

- Up to now, and in spite of efforts by many, RPL implementation has too often been subject to lip service rather than actual movement; policies on the books that were never taken seriously and compliance cultures rather than real engagement;

- Even the best efforts were often ineffectual owing to lack of capacity, lack of funding mechanisms and, in the end, a lack of sustained attention and accountability in an environment in which many activists were overburdened and overworked; and
- While RPL has faced its own battles, many of the problems are consistent with those faced by other initiatives in post-democracy education and training.

Putting RPL on a firm footing thus requires steps that are consistent with those being taken in other arenas of education and training, as articulated in the current *Green Paper for Post-school Education and Training* (DHET 2012), specifically to:

- 'Regularise and institutionalise as many functions as possible' (p. 61);
- Ensure that 'government departments and state-owned enterprises play a much more significant role in skills development than in the recent past' (p. 68); and
- 'Prioritise skills programmes that lead to qualifications that contribute to national economic priorities' (p. 69) in the formal economy and, at the same time, address national imperatives not covered by the SETAs such as community development, cooperative and micro-enterprises, and the sustaining of vulnerable human life from childhood to old age.

To contribute as it should both to redress and to socioeconomic development, RPL requires a set of enabling circumstances. These include:

- A mission and agenda that is state- and stakeholder driven and accountable;
- Alignment with current goals and initiatives as articulated in recent policy documents;
- Clear and effective mechanisms for resourcing the direct and indirect costs;
- An understanding of RPL as a power- and culture-laden social process, not a technical exercise;
- Explicit interventions to overcome the cultural and organisational legacy of the apartheid workplace;
- Respectful attention to workers' knowledge, indigenous knowledge and other knowledge traditions outside the formal, Eurocentric academy;
- A critical mass of expertise, including a system for training RPL advisors, trainers and assessors in best practices;
- An understanding of RPL as a pedagogical device (Ralphs 2010) that brings prior and future learning into dialogue; and
- Clear access to related learning pathways for future learning.

The following recommendations are based on the view that RPL must be both centralised and mainstreamed. On the one hand, RPL requires sustained attention, dedicated staff

and resources of its own if it is not to get lost among many competing, equally worthy goals and equally important strategies for meeting them. On the other hand, RPL cannot be separated from broader initiatives concerning skills development, equity and redress, and institutional capacity building. The future therefore requires a double move in two different but mutually sustaining directions that embed RPL in multiple initiatives while providing sufficient focused, centralised resources and leadership.

### ***Establish a centralised RPL Institute***

A centralised RPL Institute must be established and staffed by RPL experts from stakeholder groups, working in collaboration with SAQA, the Quality Councils and the DHET, and able to interface with other major strategic initiatives. The RPL Institute would be empowered to fund, direct, evaluate and recommend projects specific to RPL, but at the same time, through cooperative arrangements, make sure that viable and effective RPL is part of the implementation of other related projects and initiatives.

The proposal for an RPL Institute is parallel to and consistent with other proposed plans to bring greater organisation and effectiveness to education and training. These include the creation of a network of Community Education and Training Centres (CETCs), the establishment of a South African Institute for Vocational and Continuing Education and Training (SAIVCET) and the renewed role of the SETAs in improving 'the match between education and training supply and demand' (DHET 2012: 62).

1. Leadership and orientation: The Institute will be led by a small team of RPL experts from the major stakeholder groups, including organised business, organised labour, the public sector, SAQA and the SETAs, and the Quality Councils. The Institute will thus be state- and stakeholder driven and will engage RPL as a contested practice in which the interests of workers, industry, educational institutions and the state do not always coincide. The leadership team will be accountable as a group to government and, as individuals, to their disparate constituencies.
2. Accountability and authority: As discussed in the section above on international models, a purely voluntary approach to RPL will not work in the current South African context. While many "carrots" can be developed, and while many unnecessary obstacles to RPL can be removed, RPL must also be mandated in the coming period if it is to contribute meaningfully to either skills development or redress. The Institute will therefore be placed in such a way as to be able to carry out mandates concerning RPL policy in industry, education and community development.

### 3. Tasks:

- a. Directed and commissioned research: South Africa has the benefit of a great deal of excellent foundational research, both on RPL itself and on the social and epistemological issues it raises. Additional research is needed that builds on this foundational work. In addition, there are many lessons to be taken forward from analyses both of relatively successful and unsuccessful RPL initiatives. What worked and why? What should have worked, but didn't, and why? What can be altered for the better and tried again? Since academics have their own scholarly agendas, and since scholarship is supported in higher education according to various priorities, the Institute will be empowered to direct, commission and fund specific research in support of effective, equitable policy and practice.
- b. Programme development and management: In some cases, strategic RPL projects will be initiated and managed directly by the Institute based on the identification of strategic needs in particular sectors as identified by stakeholder groups and/or government bodies.
- c. Development and management of RPL processes within broader strategic initiatives: In other cases, RPL may be one component of larger education and training projects in a given sector. It will be the task of the Institute to help conceptualise the role of and approach to RPL, provide the expertise and coordinate with those delivering other components of the overall project.
- d. Capacity building: While deep expertise in RPL has been developed in some sectors in South African industry and HET, inequities of monetary and human resources has prevented some stakeholders, including the trade unions, from participating in RPL projects on an equal footing in the past. The Institute can provide support as needed to ensure equity of understanding, resources and expertise.
- e. Articulation of, support for, and dissemination of best practice: There is a great deal of unevenness in RPL practice, ranging from the "islands of good practice" noted in the OECD report (2008: 17) to practices that reproduce the worst of apartheid work relationships and academic barriers. A central articulation of principles and practices is needed that posits RPL as a complex, power-laden social process, attends to issues of languages and literacies, and is focused on seeing what people know and have, not what they lack. Related tasks include articulating expectations for high-quality assessor- and advisor training and materials, serving as consultants on new projects and providing training when needed.

- f. Formative and summative evaluation of RPL and RPL-related projects: Currently, much RPL practice is monitored ineffectively, in fragmented fashion, or with attention to compliance at the expense of quality. The Institute can change that orientation by providing supportive evaluation of RPL policy and practice.

***Align RPL with related social, cultural, economic and political goals***

RPL speaks to the aspirations of South Africans in multiple registers, from greening the economy to developing the FET sector and from improving efficiency in the workplace to nurturing personal and collective self-worth. It is recommended, therefore, that RPL be aligned to key goals being articulated in a range of documents, including SAQA's recent and forthcoming publications on RPL, current ANC policy documents, the *Green Paper for Post-school Education and Training*, and the *Charter for the Humanities and Social Sciences*. The Institute discussed above can ensure that quality RPL policies and practices are built into initial conceptualisations, implementation plans, funding arrangements and staffing models.

Goals that align with RPL include:

***Develop the FET sector, including the upgrading of FET lecturers and the creation of innovative curricula***

The development of the FET sector is a major goal of the DHET. According to the *Green Paper* (DHET 2012), this includes the need to prioritise the development of a functional network of public FET colleges, develop new programmes and curricula, upgrade the teaching staff, create partnerships with public and private sector employers, develop student support systems and address sources for funding. Building RPL into institutional development in FET will:

- Ensure that programmes and curricula are developed based on the real current skills of learners, especially workers and other adults;
- Provide insight into the ways in which knowledge is created and disseminated in workplaces and other real-world situations;
- Help solve the current lack of effective relationships between the workplace and educational institutions and between the theoretical and applied aspects of education and training;
- Identify the current skill set of FET lecturers and support the fast-tracking of lecturers;
- Identify good practice (and practitioners) within the ranks of lecturers as the basis for training others; and

- Inform pedagogical practice and curriculum development by identifying innovative and creative approaches based on principles of experiential learning and workplace mentoring relationships.

### ***Address both the skills gap and the recognition gap***

RPL speaks to the so-called skills gap on several levels. Historically, RPL represents workers' struggle to have their skills recognised, valued and rewarded and thus challenges the historically over-determined disconnect between mental and manual labour and between education and work.

On a more concrete level, RPL answers the need for an holistic analysis of workers' knowledge and skill as the basis for aligning education and training to economic and social development (see the Green Paper on this point). It allows for an holistic assessment of skills beyond technician skills audits and tick checks, evidences the ways in which both skills and tacit theory are created and shared among workers and allows for the crafting of further training around specific "top-up" needs. In addition, RPL is a mechanism for addressing such questions as:

- What is the relationship between grading structures, pay scales and workers' actual skills, and how can that be best righted?
- How can curricula be designed to take account of workers' present knowledge and skill and fast-track them into full qualifications?
- What are the best practices of mentoring, problem-solving and knowledge-creation in the workplace and how can they be used to inform and improve educational provision?
- How are educational resources currently being allocated, used and measured, and how might that be adjusted for purposes of both efficiency and redress?
- How appropriate to the current workforce are pending changes in the approach to unit standards?

### ***Revitalise the humanities and social sciences***

While RPL is more conventionally associated with workplace skills, it is equally relevant to 'burning questions of language, art and literature in a post-colonial world' and to cultural and social development in Africa in all its 'manifold forms of heritage' (Nzimande 2012). The series of proposals made in the *Charter for the Humanities and Social Sciences* are the mirror image of RPL or, rather, of prior learning conceptualised as a collective heritage rather than an individual attainment.

Specifically, the proposed National Institute of Humanities and Social Sciences, which has been accepted by the Minister of DHET, has the ability to expand RPL into a recognition of the 'social sources of creativity' and the 'lineages of knowledge production' through which people have long sustained themselves and each other (Sitas and Mosoetsa 2011: 20). While the Charter itself proposes to locate RPL in a National Centre for Lifelong Education and Educational Opportunities that the Minister has not chosen to take forward in that form, RPL is equally relevant to 'catalytic projects' aiming to 'recover the traditions of popular education', 'identify the use of innovative methodologies in educational practice in South Africa', document the 'know-how, oral stories and poetry, [and] knowledge-production... ', research the 'social sources of creativity' as they are manifested in and sustained by performing arts and other creative fields, and trace the 'lineages of knowledge production' from the struggle years (p. 20-21). The virtual schools proposed in the Charter, which include a focus on Community and Experiential Learning and on Mother Tongue Language and Rural Transformation, are possible locations for fostering cultural projects in RPL. Equally important will be the greater attention to projects that promote research, curriculum development and changing the institutional cultures of HET.

***Affirm alternative knowledge and parity of esteem in the context of individual and community development***

Closely related to the points raised above is the ongoing need to address the explicit and internalised sense of cultural inferiority that continues to be sustained by narrowly Eurocentric curricula, discourses and ways of knowing. Odora Hoppers (2001), for example, argues for a curriculum that brings indigenous knowledge systems into academic institutions and engages with 'the social, economic, scientific and technological identity' of Africans (2001: 76. See also Soudien 2011, Michelson 1997). The importance of this is both economic and cultural. On the one hand, RPL can help identify the skill base for alternative forms of economic and ecological development; on the other, it can be part of the development of individual and collective epistemological self-esteem, as it is in Canada. Similarly, projects might be formulated that require SETAs and educational institutions to explore the use of indigenous, workers' and other "outsider" knowledge in workplace, community and environmental contexts and conceptualise knowledge and skill outside of Eurocentric and technicist paradigms.

***Initiate a series of strategic projects that can quickly go to scale***

In spite of disappointments, a variety of South African RPL projects have come to fruition, and a great deal of information, much of it promoted by and housed in SAQA, is available to establish what has and hasn't worked, and why. The important obstacles to RPL have

been identified and are well known. Thus, sufficient experience exists to move beyond small, data-gathering pilot projects and design and implement large-scale RPL projects.

Opinions will vary as to the most strategic locations for such projects. The following recommendations, while quite specific, are also meant to give a general sense of what is possible in similar and/or parallel sites.

Locate a large, strategically placed, state- and stakeholder-driven RPL/skills development project in a major industrial sector aligned with national economic and social agendas

A large, well-focused RPL/skills development initiative would not only address the needs of a particular sector, but would provide a model and lessons that could be applied to other sectors. The site of such a project would meet the following criteria:

- A major employer and a major trade union with experience in and commitment to RPL;
- Past experience with RPL that, however unsuccessful, has yielded lessons that have been identified;
- An effective SETA;
- A workforce that includes various bands of professional, technical, artisanal and so-called semi-skilled and unskilled workers;
- A legacy of apartheid divisions of labour that are still waiting to be addressed;
- The availability of relatively functional FET colleges able to develop capacity, policy and programming around RPL; and
- The cooperation of an HET institution able to develop capacity, policy, research projects and programming around RPL.

The purpose of this project would be to implement skills development and opportunities for workers based on an holistic assessment of current skills, needed skills and likely places in which those skills exist informally in the workforce. It would include:

- The use of policies, practices, training materials, assessment and moderator guidelines, candidate-support mechanisms and oversight procedures that meet transparent and replicable criteria of excellence and are based on the lessons of both successful and unsuccessful past projects;
- Explicit and agreed-upon pathways from RPL to education and training;
- Capacity-building concerning RPL among all stakeholder groups, including FET;
- The active and efficacious participation of organised business, organised labour, the relevant SETA and professional bodies;
- Cooperation between CHE, Umalusi and QCTO and between participating Adult Basic Education and Training (ABET), FET and HET institutions; and

- Research into the ways in which workplace skills manifest themselves; how workers' knowledge, including implicit and tacit theory, functions at the workplace; how that knowledge does and does not interface with academic knowledge and the appropriateness of both old and proposed forms of unit standards, etc.

Likely locations for such a project include construction, engineering, auto and health care.

Locate a second large state- and stakeholder-driven RPL/skills development project, also aligned with national economic and social agendas, in the public sector

A second large, strategically placed RPL/skills development project would bring the public sector as employer into direct participation and be aligned to national economic and social agendas not primarily furthered through the private sector. The elements and location of such a project are as above. Locating such a project in parks or another ecological/environmental sector might allow research to focus significantly on informal horticultural knowledge, environmental traditions and Indigenous Knowledge Systems (IKS).

Note: the locations of large RPL projects must be gender-sensitive and address the needs and aspirations of both male and female workers.

Encourage a sector-specific RPL centre along the lines of the Dutch voluntary model, to be located in a sector that bears on both the global economy and local economic development

A sector-specific RPL centre with ties to international RPL practice and resources might provide one interesting model for RPL. One location for such a pilot might be banking and finance and could include both the formal professional and regulatory structures of banking and the informal network of skill and innovation in rural communities and townships concerning micro-enterprises, eco-tourism and community development. Such a pilot might thus engage both literacy-based and professional bands where RPL has been relatively successful and, at the same time, contribute to our understanding of cultures of knowledge and practice that are not easily "captured" in formal terms. It might also bring together the resources of funders interested in supporting global business and those committed to sustainable development in poor, underserved communities.

Pilot an RPL project along the lines of the Aboriginal Canadian model as part of the development of one or more Community Education and Training Centres (CETCs)

While, as discussed above, the history of epistemological violence in South Africa differs from that of many other white settler countries, the resultant cultural devastation,

internalised oppression and the disdain for indigenous knowledge are similar. The approach developed for RPL in Aboriginal communities in Canada and expanded through projects such as the Halifax Prior Learning Assessment and Recognition (PLAR) Center would serve the need in the CETCs proposed in the Green Paper to 'acknowledge [and] harness the vast potential for development and social cohesion that exists in the various community and popular education initiatives' and 'assist community organisations, local government and individuals to work together to develop and enhance their communities by building on their existing knowledge and skills' (2012: 31).

Pilot an RPL and professional development project in FET and/or HET that utilises the principles of a learner-centred, flexible curriculum that enables RPL in the US

While resistance to curricular and pedagogical change remains strong in some parts of South African higher education, new RPL initiatives might be located in fields in which rigidity and insularity are giving way to a more open-handed understanding of curriculum and expertise. While there are many possible sites for experimentation, two representative ones are:

- a. Develop the curriculum for the upgrading of content knowledge and pedagogy among FET lecturers using an holistic understanding of best practice as a benchmark and building "top-up" education and training around identified gaps. At the same time, identify the most successful (if unacknowledged) mentors within the workplace and, where appropriate, provide access to education as lecturers. Use research on how effective workplace mentors inculcate knowledge as a basis for the development of curriculum; and
- b. Engage the issue of RPL, language and culture around the need for academic English-language literacy on the one hand and mother-tongue languages on the other in fields such as public health and social work. Use notions of multiple literacies and parity of esteem to shape flexible pre-professional curricula in HET that recognise that all students come with some prior learning and some learning needs.

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## **A brief overview of the current legislation in South Africa which impacts on recognition of prior learning**

*Shirley Lloyd*

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### **EXECUTIVE SUMMARY**

In South African legislation there seems to be an absence of direct reference to RPL in legislation governing education and training. An environmental scan of the South African Constitution, key pieces of legislation, regulations, policy documents and the current *Green Paper on Post-school Education* reveals scant reference to RPL. This document sets out to briefly describe the various Acts and policies that may have relevance to RPL policy and implementation in South Africa. From this scan, clarity has been sought on whether the legislation creates an enabling environment for RPL to be implemented on a large scale and in mainstream education and training, or whether there are barriers to this. Where the legislation is enabling, this has been underscored; where there are overt or tacit barriers, these have been highlighted and suggestions have been made about how to deal with the barriers.

The South African Constitution is underpinned by a transformative, redress and human rights philosophy. The focus is the South African citizen and how all legislation and actions in and through governance structures and institutions must benefit the social, political, economic, educational and health needs of each citizen. In this regard, the Constitution is enabling for RPL to be conducted and implemented on a large scale.

Various key government strategy and policy documents build on the broad intentions of the Constitution. Strategies for the development of people, skills, education and decent work for all are more closely explored and strategy "statements of intent" and direction are given. RPL is enabled through the *Human Resource Development Strategy for South Africa* (Department of Education 2009), *NSDS III* (Department of Higher Education and Training [DHET] 2011), the *National Development Plan: Vision for 2030* of the National Planning Commission (NPC 2012) and in discussion documents such as the *Green Paper on Post-school Education and Training* (DHET 2012).

Legislation dealing directly with education and training in general, and further and higher education are the National Education Policy Act (Act 25 of 1996), the NQF Act (Act 67 of 2008), the Higher Education Act (Act 101 of 1997), the General and Further Education and Training Act (Act 8 of 2001), the Schools Act (Act 84 of 1996), the Adult Basic

Education and Training Act (Act 2 of 2000), the Further Education and Training Colleges Act (Act 16 of 2006) and the Skills Development Act (Act 97 of 1998). Each of these Acts provides for an enabling environment for RPL to be implemented; however, the 50% residency clause in the Higher Education Act (Act 101 of 1997), is a barrier that would need to be addressed.

Other policy documents that have been in the public comment phase and which are important to consider in the context of this overview are the three Quality Councils' three sub-frameworks which comprise the NQF (DHET 2011). The higher education and general and further education sub-frameworks comprise some elements which could be perceived as barriers to RPL implementation, and these are discussed in more detail below.

A scan of non-education and training legislation was also undertaken, especially where economic sectors such as mining, agriculture and tourism are multi-national and "beyond borders". These pieces of legislation are silent about education and training; there would be a need to amend these and similar pieces of legislation in order for RPL to be implemented to scale in South Africa.

The matter between Mr MS Masisi and the University of the North-West (UNW) which was taken to the Equality Court in Mmabatho is noted (Equality Court 2011). The ruling declares the application of the residency clause by UNW to be discriminatory in terms of the Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000). This has implications for both RPL and Credit Accumulation and Transfer (CAT).

The approach used in compiling this document was to conduct desk-top research of various Acts of parliament and to search for references of RPL in these Acts. Other documents such as policy documents, strategy documents and documents in the public comment phase which are specific to education and training were also scanned and referenced. There has been no structured interview questionnaire process. This may well happen at a later stage should there be a need for legislation amendments.

The following acts and other documents were examined:

**Table 1: Source documents**

Department	Relevant Documents
Labour	Occupational Health and Safety Act, Act 85 of 1993
Public Works	Basic Conditions of Employment Act, Act 75 of 1997 Employment Equity Act, Act 55 of 1998 Labour Relations Act, Act 66 of 1998
Environmental Affairs and Tourism	National Environmental Management Act, Act 107 of 1998
Higher Education and Training	FET Colleges Act, Act 16 of 2006, amended in 2010 Green Paper on Post-school Education, 2011 Higher Education Act, Act 101 of 1997, amended in Act 23 of 2001 Higher Education Qualifications Framework, 2007 National Education Policy Act, Act 25 of 1996 National Skills Development Strategy III, 2011 NQF Act, Act 67 of 2008 Proposed qualifications sub-frameworks of the NQF, Government Gazette Notice No. 34883 of 2011 Skills Development Act, Act 97 of 1998 as amended in 2008
Basic Education	South African Schools Act, Act 84 of 1996 as amended in 2010 General and Further Education and Training Act, Act 8 of 2001, amended in 2009 and 2010 Adult Basic Education and Training Act, Act 2 of 2000, amended in 2010 Employment of Educators Act, Act 76 of 1998
Presidency	National Development Plan: Vision for 2030, National Planning Commission, 2012 Human Resource Development Strategy for South Africa: 2010-2030, 2009 South African Constitution, 1996
Mineral and Energy	Mineral and Petroleum Resources Development Act, Act 28 of 2002
Local Government	Local Government Municipal Systems Act, Act 32 of 2000

DEPARTMENT	RELEVANT DOCUMENTS
Agriculture	<p>The Agricultural Laws Rationalisation Act, Act 72 of 1998</p> <p>The Agricultural Laws Extension Act, Act 87 of 1996</p>
Justice	<p>The Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000</p> <p>The ruling in the case between MS Masisi and the University of the North-West in the North West High Court, Equality Court, Mmabatho, 2011</p>
Other documents	<p>Report on the 31st Human Resource Development Working Group (HRDWG), Asia Pacific Economic Co-operation (APEC), 2009</p> <p>Bologna Conference on Qualifications Frameworks, European Commission, 2005</p> <p>National Qualifications Frameworks in Europe, CEDEFOP, 2011</p> <p>Lifelong Learning: Development of National Qualifications Frameworks in Latin America and the Caribbean in Key Competencies and lifelong learning, International Labour Organisation, 2011</p> <p>Werquin, P. Presentation made at the SAQA International RPL Conference, Johannesburg, 2011.</p>

## INTRODUCTION

This paper presents a brief overview of existing legislation which frames education and training in South Africa, with the specific focus on whether and how it impacts on RPL. It briefly examines whether there is overt reference to and recognition of RPL as an element within assessment and quality assurance processes carried out by learning providers. There is also reference to policies such as the NSDS III (DHET 2011), HRDSA (Department of Education 2009) and the *National Development Plan: Vision for 2030* of the National Planning Commission (NPC 2012). If there is no reference to RPL in legislation, the question is whether there is tacit "conduciveness/enablement" for RPL to happen, or if there are barriers in place which would hinder RPL from being one of the mainstream forms of assessment conducted by providers.

The South African Constitution is the overarching legislation which should be reflected in subsequent pieces of legislation put in place to ensure the rights enshrined in the Constitution are implemented. There is increased recognition that all forms of learning are important, and forms of knowledge gained in informal and non-formal environments should be acknowledged where necessary for formal award. In South Africa in particular, there is an increasing need to formally recognise all forms of learning through credible and reliable RPL praxis. This would promote the unlocking of an existing pipeline of skilled, competent and knowledgeable people into the economy. These people represent those previously disadvantaged through political, cultural, social or economic reasons, and those who work in environments where new technologies and growth in information and knowledge has outstripped the ability of education and training institutions to develop formal programmes and curricula. The purpose is to guide considerations of possible amendments to legislation or policies, and to ensure confusion, ambiguities and barriers to mainstreaming RPL are removed. Hopefully at another level, the brief examination will be useful to encourage deeper research into how to translate enabling legislation into praxis. The concept of RPL has been fraught with misconception and resistance by established academia, and these need to be addressed as a matter of urgency.

## RELEVANT LEGISLATION

### ***The South African Constitution***

The South African Constitution is recognised globally as one of the most beneficial and enabling constitutions for the citizens of its country. It is well written and never departs from ensuring and guaranteeing the human rights of South Africans. The Constitution is the overarching legislation, from which others are developed and to which other legislation needs to "answer". Section 29 of the Constitution guarantees the right of all South Africans, *inter alia*, to:

- (a) A basic education, including adult basic education; and
- (b) Further education, which the state, through reasonable measures must make progressively available and accessible.

The Constitution is silent about RPL; yet its broad intent would appear to be enabling for the implementation of RPL. The reasons for the disjuncture between the *intent* of the Constitution and the *praxis* in mainstream education and training delivery and assessment could be examined further and addressed. It could be that the level and measure of institutional autonomy is one of the barriers to RPL; another barrier could be current legislation such as the 50% residency clause applied in Higher Education Institutions (HEIs). A possible reason for relying on the residency clause appears to be linked to the HE funding formula and institutional status. An investigation has been undertaken by SAQA through the RPL Reference Group to identify what underpins this clause, its effects on especially RPL and how to amend it without creating unintentional consequences.

### ***The National Education Policy Act, No. 25 of 1996***

This Act is clear about the role of the Constitution in determining policy. It states in Section 3, *Determination of national education policy by Minister* that:

13. (1) The Minister shall determine national education policy in accordance with the provisions of the Constitution and this Act.

The Act also protects the rights of South Africans to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever; this protects the right of citizens to basic education and guarantees equal access to education institutions.

The Act goes further and requires the education and training system to be enabling, to contribute to the full personal development of each student and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy, human rights and the peaceful resolution of disputes; to achieve equitable education opportunities and the redress of past inequality in education provision, including the promotion of gender equality and the advancement of the status of women; endeavouring to ensure that no person is denied the opportunity to receive an education to the maximum of his or her ability as a result of physical disability; and providing opportunities for and encouraging lifelong learning.

Section 4 of this Act sets out the powers of the Minister to determine national policy. National policy is determined *inter alia* for the planning, provision, financing, staffing, coordination, management, governance, programmes, monitoring, evaluation and wellbeing of the education system. It is especially the areas of provision, financing, staffing, programmes and the wellbeing of the education system that has impact on RPL policy and implementation. Anecdotally, in Ministerial policy institutions name resourcing, financing and RPL direction as some of the reasons for not implementing RPL.

Patrick Werquin's paper presented at the 2011 SAQA International RPL Conference highlighted that RPL is not free, and neither is it cheap initially. As it grows to scale, the costs are significantly reduced, but for institutions already under-financed, and coping with existing full-time student demands, the add-on of mainstreaming RPL becomes a burden. A second consideration relating to resourcing and staffing is the fact that there are far more students who wish to enter HEIs than these institutions can accommodate. At the same conference, speakers from HEIs mentioned not needing to accommodate RPL candidates as they already have an abundance of applications from students who have passed Grade 12 or undergraduate programmes excellently. To translate the *intention* of the HE Act into practice could include examining how to formally fund RPL, resource RPL and consider inserting a section dealing with RPL into the HE Act.

Apart from the generality of the section above, the Minister may also determine national policy for the organisation; management and governance of the national education system; facilities and resources; and the ratio between educators and students. However, the National Education Policy Act is written broadly enough to accommodate including an RPL section, which could speak specifically to the areas specified above.

***The HRD Strategy, the National Planning Commission Report, the National Skills Development Strategy III and the Green Paper on Post-school Education***

The overarching intention of these four separate but linked strategies and reports is captured in the introduction to the Green Paper on Post-School Education (DHET 2011: x):

There are many challenges facing post-school education in South Africa. Despite the many advances and gains made since 1994, the system continues to produce and reproduce gender, class, racial and other inequalities with regard to access to educational opportunities and success. One of the greatest challenges facing the system is the large number of young people who face a very bleak future if major changes are not introduced. Equally important, the post-school system is not meeting the needs of the economy and society as a whole. This Green Paper aims to align the post-school education and training system with South Africa's overall development agenda, with links to various development

strategies such as the New Growth Path, the Industrial Policy Action Plan 2, the Human Resource Development Strategy for South Africa 2010-2030, and South Africa's Ten-Year Innovation Plan. This will allow it to contribute more effectively to the goal of inclusive economic growth and development and to contribute to fundamentally reducing unemployment and poverty.

The Minister of the HET has previously, in other documents, presentations and speeches, expressed similar desires to strengthen the education and training system, through:

- Strengthening the cohesion within the system of education and training demand and supply;
- Addressing scarce and critical skills required for economic, social, community and personal development; and
- Addressing unemployment by providing enabling legislation, policies and praxis for sustainable job creation and economic growth.

It is especially in the area of addressing the needs of the overwhelming majority of our people that new and direct RPL policy could be included in policy documents and reports. Tara Fenwick<sup>6</sup> in particular has highlighted the importance of recognising all forms of knowledge (and skill and competence) towards formal credits or award, and she writes about the challenge facing educators who are complicit in perpetuating the unsatisfactory situation where "knowledge wars" are fought over what knowledge counts. The Green Paper (DHET 2011) and the NSDS III (DHET 2011) specifically speak about RPL, whilst the other two reports are silent. Reading behind the words of all these reports, one gains the impression that creating an enabling and positive environment for all forms of knowledge to be assessed, valued and recognised will be one of the ways to address skills shortages, advance the hopes for further learning of millions of South Africans and open employment opportunities to those excluded because of a lack of formal recognition of what they already know and can do.

### ***The NQF Act, No. 67 of 2008***

The NQF Act No. 67 of 2008 replaced the SAQA Act of 1995. The South African NQF is recognised as one of the so-called first generation NQFs. Its key objectives remain

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<sup>6</sup> See for example: Fenwick, T. 2010a. Reclaiming and re-embodiment experiential learning through Complexity Science. *Studies in the Education of Adults*, 33:2: 123-141; Fenwick, T. 2010b. Rethinking the "thing": socio-material approaches to understanding and researching learning in work. *Journal of Workplace Learning*, 22:1-2: 104-116; and Fenwick, T. 2010c. Workplace 'learning' and adult education: messy objects, blurry maps and making difference. Paper prepared for the SAQA Research Seminar *Theorising work and learning: an evolving narrative*, 14<sup>th</sup> October 2010, Pretoria, South Africa.

unchanged and reinforce the importance of the underlying principle of education for all. The NQF objectives are set out below.

The NQF Act (Sections 5.1 and 5.2) reaffirms the objectives of the NQF as:

- (1) (a) To create a single integrated national framework for learning achievements;
- (b) To facilitate access to, and mobility and progression within, education, training and career paths;
- (c) To enhance the quality of education and training; and
- (d) To accelerate the redress of past unfair discrimination in education, training and employment opportunities.
- (2) The objectives of the NQF are designed to contribute to the full personal development of each learner and the social and economic development of the nation at large.

The NQF Act in South Africa is an enabling piece of legislation for RPL. Through implementing all aspects of the Act, RPL could become more mainstream and provide one of the ways in which learners can gain access to learning opportunities, achieve credit towards a formal qualification or be awarded a qualification should they meet all the quality assurance criteria of a specific qualification.

A brief overview of regional developments of NQFs in other parts of the world has been undertaken to examine whether and how NQFs are influencing education and training policy, lifelong learning and RPL. In the 2010 European Centre for the Development of Vocational Training (CEDEFOP) report (2011), it states that NQFs have, over a short period of time, developed into key instruments influencing national education, training and qualifications systems. The report by the General-Rapporteur of the January 2005 Bologna Conference on Qualifications Frameworks states that 'national frameworks are in many ways those closest to the operational reality, and they are "owned" by the national systems responsible for them. They are the frameworks that will ultimately determine what qualifications learners will earn and how they will move between the different qualifications within a system' (European Commission 2005: 5). The working group which wrote the report defines a national framework (in this instance for higher education) as:

The single description, at national level or level of an education system, which is internationally understood and through which all qualifications and other learning achievements in higher education may be described and related to each other in a coherent way and which defines the relationship between higher education qualifications (2005:5).

The 2010 CEDEFOP report also highlights two additional themes that run through the development of the European Union (EU) member states' national NQFs and the European Qualifications Framework (EQF). The first theme is the relationship between NQFs for lifelong learning and the qualifications frameworks for higher education. The relationship between NQFs and lifelong learning is considered to be at the core of the development of comprehensive frameworks and the relationships between Technical Vocational Education and Training (TVET) and HE, and issues of mobility and access. The second theme is that of stakeholder involvement, which is considered to be a key driver to maintain 'the national momentum in developing NQFs. Whether this momentum can be sustained and strengthened depends on the involvement of stakeholders and the extent to which they see the added value of the NQFs' (CEDEFOP 2010: 2).

The report compiled by the Asia-Pacific Economic Cooperation (APEC) Human Resources Development Working Group (HRDWG) Education Network (EDNET) Subgroup defines an NQF as 'an instrument for classifying qualifications according to a set of criteria for levels of learning outcomes' (APEC 2009: 1). They write that it is the 'view of education ministers at their third meeting in 2004 that economies need transparent, accountable, regulatory, accreditation and quality assurance systems for their qualifications' (*Ibid.*, p. 8)

The working group expresses their expectations of NQFs positively by stating that 'considerable benefits are expected of national qualifications frameworks (NQFs). If backed by a good system of quality assurance, they can support the development of workers' skills, facilitate educational and labour market mobility and help improve the access of individuals to higher and different levels of education and training over their lives' (*Ibid.*, p. 19).

In Latin America and the Caribbean, a report titled *Lifelong Learning: Development of national qualifications frameworks in Latin America and the Caribbean* (International Labour Organisation 2011) provides a trend analysis towards adopting NQFs in Latin America and the Caribbean. It becomes apparent that countries are committing themselves to "coordinated development programmes in which many actors take part" which reflects the trend for increased stakeholder involvement in other regions. Although it is true that no NQFs (in the full sense of the concept) have been set up in the region... an essential element in developing so-called NQFs is to define them with reference to levels of labour competency.

In Mexico, the Mexican National Council of Education for Life and Work (CONVEYT) has been set up to create an ambit of lifelong learning. This is in its early stages but it has roots in a concept which will undoubtedly facilitate interaction between training and education, namely lifelong learning (*Ibid.*, p. 58). In Chile, the project Chile Califica is a move towards generating 'training options that are connected to the philosophy of lifelong learning' (*Ibid.*, p. 59). They highlight the fact that the need to have NQFs which facilitate lifelong learning has become even more important 'because of the need to improve national productivity and competitiveness to effectively integrate the new regional spaces and world trade' (*Ibid.*, p. 79).

In each of these regional developments, there are clear links between developing NQFs and how NQFs enable lifelong learning and cohesion in education and training systems, to the benefit of economies, communities and learners. The "construct" of NQFs (i.e. an outcomes-based approach, levels, level descriptors, qualification types and notional hours or credit hours) are enabling mechanisms through which to develop RPL assessments which allow RPL candidates to present "evidence" of knowledge, skills and competence towards credit or awarding of formal learning. RPL is recognised as a mechanism which opens access for people to learn further and to become lifelong learners, where they may have been unable to do so for various reasons. RPL is transformative and enabling in that non-formal and even informal learning achieved in different ways to that of formal learning can be recognised for credit, and opens a person's opportunities to participate in lifelong learning, which is recognised as an essential element to improve skills development and employability.

### ***The Higher Education Act, No. 101 of 1997 as amended in 2001***

The preamble to the Higher Education (HE) Act, No. 101 of 1997, as amended by the Higher Education Amendment Act, No. 23 of 2001, underscores similar values to those set out in the Constitution, and the National Education Policy Act, No. 23 of 1996. There is nothing stated that could be viewed as being a barrier to implementation of recognition and validation of all forms of learning. Sections from the preamble read as follows:

- Establish a single coordinated higher education system which promotes cooperative governance and provides for programme-based higher education;
- Restructure and transform programmes and institutions to respond better to the human resource, economic and development needs of the Republic;
- Redress past discrimination and ensure representivity and equal access;
- Provide optimal opportunities for learning and the creation of knowledge; and
- Promote the values which underlie an open and democratic society based on human dignity, equality and freedom.

The HE Act itself creates the environment for RPL to happen, evidenced by recognition in the Act of the need for redress, the provision of optimal opportunities for learning, promotion of values and the promotion of the full realisation of the potential of every student and employee.

Section 1 of the HE Act, dealing with definitions, includes the definition "to provide higher education" [which] means:

- (a) Registering students for:
  - (i) Complete qualifications at or above level 5 of the National Qualification Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act 58 of 1995); or
  - (ii) Such part of a qualification which meets the requirements of a unit standard as recognised by the South African Qualifications Authority at or above the level referred to in subparagraph (i).

It could be reasonably concluded from this section that RPL assessment could be conducted for *access*, which would enable a student to register for a complete qualification upon successful completion of an RPL assessments; and for *credit accumulation* for partial completion of a qualification, and for a student to register for a part of a qualification.

The reasons that this does not happen could be examined, but one of the barriers already mentioned is the 50% residency clause. Another anecdotal reason is that the quality of RPL assessment is still viewed with a measure of caution, especially when RPL is applied to award a student with credits towards the achievement of a qualification. SAQA's current collation of case studies of successful RPL praxis across a range of contexts will provide essential information to build trust in and more support for RPL as a mechanism to recognise all forms of learning.

Section 37(3) *Admission to public higher education institutions* could be read that provision is made for RPL to be implemented for redress, and to ensure there is no discrimination. It reads as follows:

- (3) The admission policy of a public higher education institution must provide appropriate measures *for the redress of past inequalities and may not unfairly discriminate in any way.*

However, Section (4) (a) to (d) could be read in such a way that there appears to be a tacit challenge to RPL being implemented in HEIs. The section reads as follows:

- (4) Subject to this Act, the council may, with the approval of the senate-
- (a) Determine entrance requirements in respect of particular higher education programmes;
  - (b) Determine the number of students who may be admitted for a particular higher education programme and the manner of their selection;
  - (c) Determine the minimum requirements for readmission to study at the public higher education institution concerned; and
  - (d) Refuse readmission to a student who fails to satisfy such minimum requirements for readmission.

In general the HE Act is silent about RPL. What the HE Act does is give institutional autonomy to the council and the senate of an HE institution to decide admission requirements, set minimum admission requirements and to reject applications from students who do not meet the minimum criteria. Students who would want to access a HE institution through an RPL route would need special permission from the institution to do so. It is possible that institutions could reframe their thinking about RPL as more evidence emerges from research that shows the value of validating and recognising all forms of learning, for students' access and articulation. SAQA is involved directly in collating this evidence.

***The General and Further Education and Training Qualifications Act (GENFETQA) (as Amended in Act 50 of 2008)***

The GENFETQA Act is silent about RPL, but there are references to assessment and accreditation of providers. The following selected sections quoted from the Act indicate that an enabling environment exists for RPL assessment to be conducted:

“Internal assessment” means any assessment conducted by an education institution contemplated in Section 2, the outcomes of which count towards the achievement of a qualification; and

“Qualification” means a qualification registered by the South African Qualifications Authority.

It would be unusual for scholars to gain access to or to be awarded credits towards recognition of a part-qualification in the context of schooling. However, in the context of adult education and FET colleges, there is no reason why RPL should not be conducted as one of the mainstream assessment methods. Reasons why this does not happen could be explored. However, anecdotally it appears that lack of evidence of praxis, lack of sufficient resources and no guiding policy from the Quality Council which oversees the FET institutions or adult learning centres remain some of the reasons for this.

## THE THREE SUB-FRAMEWORKS OF THE QUALITY COUNCILS

It is clear from the Minister of DHET's introductory statements in the *Proposed qualifications sub-frameworks of the NQF* (DHET 2011) that there is the intention for all learners to be able to progress unhindered and with the "greatest possible degree of mobility" through the education and training system. The introduction states (2011: 3):

The NQF is essentially a system for bringing order and coherence into the complex arena of education and training, assisting learners and workers to progress in their education and career paths, and ensuring that South African qualifications are both relevant and of a high standard. Our integrated NQF must facilitate the greatest possible degree of mobility for learners and workers through our systems of learning, and in particular must indicate the development of an integrated post-school system. The NQF must be a supple instrument in the service of a well-functioning integrated education and training system.

All three sub-frameworks speak to the issue of RPL. In the General and Further Education Sub-framework, there is allowance made for students entering the system through achievement of credits obtained through RPL; paragraphs 62 to 65 and Annexure 1 of the document speak to the issue of RPL. In paragraph 64, it is stated that the Umalusi Council 'has policy regarding credit recognition, accumulation and transfer of credits, and the recognition of prior learning, as these are practised in a large-scale, massified education and training system' (DHET 2011: 24).

In the Higher Education sub-framework, the section dealing with progression within the framework makes specific mention of RPL and CAT, but there are barriers to RPL, in that the document states that 'the Higher Education Qualifications Framework (HEQF) allows for CAT provided that no more than 50% of the credits required for the other qualification are credits that have been used for a completed qualification' (*Ibid.*, p. 24).

Both the general and further education and higher education sub-frameworks also comprise sections which would be barriers to RPL. In the HEQF, there is specific mention of the 50/50 "Rule". In the general and further education sub-framework, Sections 51 to 62, which deal with assessment, appear to make it difficult to conduct RPL to satisfy the assessment requirements stipulated by Umalusi. These barriers should be reviewed with a view to amending them; and the sub-frameworks reviewed in order to enable RPL to be mainstreamed in further and higher education, and adult education systems

The QCTO sub-framework creates an enabling environment for RPL to be conducted; in fact it is silent about RPL, but the tacit intention to create a flexible process to allow a

learner to have maximum mobility is the underpinning approach of the sub-framework for occupations and trades.

## **BACKGROUND TO THE 50% RESIDENCY CLAUSE IN HIGHER EDUCATION**

The 50% residency clause emanated from the Joint Statute of Universities of 1955 (as amended in 1962, 1967, 1971, 1974, 1976, 1978, 1980, 1984, 1986 and 1988). Paragraph 18 of the Joint Statute of Universities stipulates under which conditions attendance, certificates of proficiency and recognition of courses passed at a university or other institution could be accepted by the receiving university.

Paragraph 18 (1) states:

Subject to the provisions of sub-paragraph (2), the senate of a university may accept as part of the attendance of a student for admission to a degree of bachelor, other than a one-year honours degree of bachelor of that university, periods of attendance as a registered matriculated student at any other university or institution, and may accept, as far as practicable, certificates of proficiency in any subject issued by such other university or such other institution: Provided that the foregoing shall also apply in the case of periods of attendance and subjects passed for diplomas with a minimum duration of three years which have successfully been completed at a university or another institution and on account of which the board has granted full or conditional exemption from the matriculation exemption, backdated to the commencement of the year in which credit for such diploma was first earned; and provided further that the provisions of sub-paragraph (2) shall also apply to such diplomas completed at the same university as that at which the student concerned is to be admitted to a degree of bachelor.

(2) A candidate shall not be admitted to an ordinary degree of bachelor in terms of sub-paragraph (1) unless -

(a) His periods of attendance are together not less than the complete period prescribed for admission to such degree;

(b) He attended at the university that confers the degree courses prescribed by that university -

(i) For a degree for which the period of attendance is three academic years, for at least two academic years: Provided that he has attended as a registered student for that degree at least half of the total number of courses prescribed for the degree;

(ii) For any other degree of bachelor, at least two academic years, except for the degree of Bachelor of Education (BEd), or Bachelor of Physical Education (BEdPh), or Bachelor of Philosophy (BPhil) for which the period of attendance may be one academic year.

The 50% residency clause is embedded in an institutional context to enable:

- Student mobility from one institution to another; and
- The responsibility of the receiving university to confer a degree as a result of learning that took place at more than one institution.

It seems from the above context that the purpose of the 50% residency clause was to protect the academic integrity of the receiving institution. Such an arrangement makes it impossible to recognise knowledge obtained elsewhere that could qualify for an advanced status that covers more than 50% of a programme.

It seems that in recent Higher Education policy documents, the 50% residency clause is situated differently. The HEQF for example applies the 50% residency clause to credit arrangements between qualifications to rule movement of students from one qualification to another within the same institution (HEQF 2007: 9), and not between institutions.

The question is whether the 50% residency clause still serves as a mechanism to protect academic integrity? If so, it does not make sense that when students move from one qualification to another within the same institution, that academic integrity needs to be protected by such a clause. There are quality assurance measures already in place to ensure quality of delivery across an institution. If the 50% residency clause is restored to its original institutional context, there should be no reason why RPL could not be applied to its fullest consequences in higher education.

## **RESIDENCY CLAUSE: EQUALITY COURT FINDINGS**

On 13 and 14 June 2011, Mr Moramang Simon Masisi and the South African Human Rights Commission approached the Equality Court for relief in a matter related to what was stated to be discrimination against Mr Masisi as a result of UNW's application of the residency clause. The case raises some interesting points, which are listed briefly below (Equality Court North West 2011):

- If the applicant (Mr Masisi) had achieved his BProc Degree from UNW then he would have had all the relevant credits from his BProc Degree accepted as credit for his LLB. Because Mr Masisi obtained his BProc from another university, only 50% of the relevant courses for credit towards an LLB were accepted. This is seen to be discriminatory.
- The counsel for both parties 'failed to appreciate the real issue to be determined in this matter. The *ultra vires* argument advanced by Mr Masisi could have been resolved in the High Court and as such falls outside the jurisdiction of the Equality Court.... To my mind, the only issue for determination by this court is whether the

contents of the aforesaid rules and Joint Statute and the application thereof by the UNW constitute unfair discrimination against the applicant as defined in the Equality Act' (Equality Court North West, 2011: 12).

- The counsel for both parties 'failed to appreciate the real issue to be determined in this matter. The *ultra vires* argument advanced by Mr Masisi could have been resolved in the High Court and as such falls outside the jurisdiction of the Equality Court.... To my mind, the only issue for determination by this court is whether the contents of the aforesaid rules and Joint Statute and the application thereof by the UNW constitute unfair discrimination against the applicant as defined in the Equality Act' (Equality Court North West, 2011: 12).
- 'I am convinced that the provision of the aforesaid rules of the UNW as well as the Joint Statute and its enforcement by the NWU amounts to systemic discrimination as envisaged in Section 1(1)(xii)(b)(i) and/or (iii) of the Equality Act' (*Ibid.*, p. 14).
- Systemic disadvantage definitions: "systemic" means of or relating to a system as a whole (*Ibid.*, p. 15), and 'the provisions of the Equality Act should be *widely* interpreted and *generously* applied' (*Ibid.*, p. 16).
- In terms of Section 13(2)(b) of the Equality Act, the said discrimination is deemed unfair unless the UNW proved that discrimination is fair (*Ibid.*, p. 16).
- The order that is made declares that:
  - The provisions contained in par. 15.1.1, 15.1.3, 15.2.1 and 15.2.3 of the rule G15 of the General Academic Rules of the UNW are hereby struck down and declared null and void;
  - The proviso to rule A5.7.1, "*provided that the exemption shall not be granted for more than half of the number of modules required for the curriculum*" of the General Academic Rules of the UNW is hereby struck down and declared null and void;
  - Section 18(2)(b)(i) and (ii) of the Joint Statute of the universities in the RSA approved by the Minister under the Universities Act No. 61 of 1955 (the Joint Statute) is hereby struck down and declared null and void, except to the extent that Section 8(2)(b)(ii) apply to candidates writing the degree of Bachelor of Education (BEd), or Bachelor of Physical Education (BEdPh) or a Bachelor of Philosophy (BPhil); and
  - The first and third respondents are directed to grant exemption to the applicant for purposes of writing the LLB Degree of all those applicable courses and/or modules successfully completed by the applicant at the University of the North for his BProc degree.

The applicant also sought the striking down of Section 74(6) of the Higher Education Act on the basis that this was purported to be unconstitutional. The ruling found in paragraph 16.1 (p18) states that 'It appears to me that Section 74(6) of the Higher Education Act serves a necessary transitional purpose, and the striking down of this section may impact detrimentally on a number of other joint statutes and regulations unrelated to the issues hereto' (*Ibid.*, p. 18).

From the ruling it becomes apparent that the judge applied his mind to only the issue at hand, i.e. the discriminatory components of certain general Joint Statutes of universities and policies of the practices of the UNW in particular, as these relate to the residency clause.

## **CONCLUDING COMMENTS**

This brief overview of legislation in South Africa, which could have an impact on the application of RPL in mainstream education and training, shows that in principle RPL could be conducted widely within the current education and training system. There are barriers, and these have been highlighted in this overview. None of these barriers are of such a nature that they cannot be addressed. What has emerged is that more narrative and evidence from case studies where RPL has been successfully, credibly and authentically conducted are required. SAQA, together with the DHET, the three Quality Councils and the institutions and professional bodies could consider prioritising collecting evidence about RPL praxis and writing this in case studies and narratives. From such a body of evidence, RPL guidelines and criteria could be developed and RPL practice could be improved.

An RPL section could be included in the National Education Policy Act, including resourcing, managing, financing and researching RPL. Reconsideration of an enabling educator/facilitator to student ratio for RPL in institutions could resolve the current human resource challenge. Funding institutions to conduct RPL, especially in response to scarce and critical skills needs and technology developments, would make RPL a more attractive assessment option for inclusion in the access, assessment and articulation policies and processes of an institution. In-service training programmes could be developed and implemented as part of CPD for educators; or the Education, Training and Development Practitioner (ETDP) qualification could be revised to include RPL assessment and pedagogy. The Minister could require institutions to revisit the admissions and access policies to include RPL as a way of accessing learning, or gaining credit towards a qualification or for furthering lifelong learning opportunities for adults. These are all possibilities which require empirical research about the impact and cause and effect such changes would have on the overall education system.





## Enabling recognition of non-formal and informal learning outcomes in France: the VAE legislation

Patrick Werquin<sup>7</sup>

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### ABSTRACT

In France, the Law of “Social Modernisation” established Validation of Experiential Learning Outcomes (*Validation des Acquis de l'Expérience*, VAE) as a right for every citizen in 2002. It is the most recent achievement in a 200-year process focusing on the preparation of adults for the labour market. After continuous attention and many laws on adult vocational training, and a rather unsuccessful law on Validation of Occupational Learning Outcomes (VAP) in 1992, the system established in 2002 is now 10 years old. Despite a slow start in terms of take up, participation keeps increasing. For the first time in French legislation, whole qualifications can be awarded only on the basis of a successful assessment against predefined widely accepted standards (*référentiels*). In case of failure to achieve the full qualification, the VAE Committee can award a partial qualification or fail the applicant all together. In both cases, by law, the committee must provide a rationale for its decision and recommend further learning where appropriate.

The general institutional framework for recognising non-formal and informal learning outcomes is under the responsibility of the Ministry of Labour, which is in charge of lifelong learning in general, and of adult learning in particular. Nevertheless, the legislation was prepared during discussions with social partners and the different ministries that deliver qualifications (about 10). The laws are general statements where the decrees and decisions can describe specific rules and practices for the implementation of the VAE process in each context by each ministry. As a consequence, France has a single law whose purpose is to be universal and provide rights and duties to every single citizen, but there are several frameworks operating at the same time for the validation of experiential learning outcomes. They correspond to different objectives: access to study through exemption of academic prerequisite, career guidance, partial or full qualification and entry into the labour market. Since 2002, the most important improvements took place in 2009, with a text that aimed at increasing participation in VAE by targeting private sector employees in particular, and developing an effective information and guidance system.

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<sup>7</sup> Drafted by Patrick Werquin, this document has nevertheless benefited from discussions with, and documents produced by, Anne-Marie Charraud and documents produced by Vincent Merle, two of the main actors in the preparation of the most recent French Law, in 2002 (see Table 1).

In the case of South Africa, it is difficult to provide clear recommendations. Nevertheless, if a law on RPL should be passed, the key questions could be:

- For which objectives (access, career guidance, qualification and/or the labour market)? France has a different law for each objective;
- What type of preparatory work is required with the key stakeholders? Involving them before the law is actually drafted creates a sense of ownership. Most recent French laws follow an inter-sectoral agreement achieved after intense negotiations;
- Should the law on RPL be part of the law on the NQF? Not only is this not the case in France (the VAE Law is part of a law on “Social Modernisation”), but the argument made in this paper is that it is not possible because the qualifications classified in the qualifications framework are outcomes, whereas RPL is a process. The actors and stakeholders are different. The objectives are different. The points on which a law should focus for legal formalisation and for providing a vision are different. There are commonalities between RPL and a qualifications framework but passing a law describing both systems may create unnecessary complexities and rigidities; and
- Is there a risk that a law creates unnecessary demands on the RPL system and therefore makes recognition more expensive for participants and/or organisations? There is no such evidence in France, probably thanks to the preparatory work mentioned above that has identified the actual needs and expectations in advance.

## **INTRODUCTION**

Since 2002, France has had a law allowing any individual to apply for the validation of her/his learning outcomes, however achieved. The system allowing the validation of non-formal and informal learning outcomes, VAE, resembles what other countries call RPL (Australia, Ireland and South Africa, for example), Prior Learning Assessment and Recognition (PLAR: Canada only), Accreditation of Prior Learning or Accreditation of Prior Experiential Learning (APL or APEL: mainly United Kingdom) and what Werquin calls Recognition of Non-formal and Informal Learning Outcomes (Werquin, 2007a, 2007b, 2010a et 2010b) to stress that what matters the most in this approach is that which has not yet been recognised, namely non-formal and informal learning outcomes<sup>8</sup>. This law on VAE is part of a bigger law on “Social Modernisation”, but the idea of recognition of

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<sup>8</sup> There is strong evidence that even formal learning taking place during adulthood rarely leads to a qualification, or any recognised award (less than 10% in most countries).

non-formal and informal learning outcomes is not new in France. This paper presents the different steps that led France to the 2002 law on VAE, the most recent major step in the legislation landscape. The story starts just after the French revolution with a new focus on adult learning (Condorcet, 1792<sup>9</sup>).

This paper is therefore a description of the different steps that led France to VAE, a rather comprehensive 10-year system positioned to consider any kind of learning outcomes, whether private or occupational, and potentially leading to the awarding of a full qualification<sup>10</sup> without any additional formal learning<sup>11</sup> as long as the applicant meets predefined standards (*référentiels*), more precisely assessment standards (*référentiels d'évaluation*), which are not necessarily set by the Ministry of Education<sup>12</sup>.

This paper stresses the French legislative framework, and the nature of the incentives that may lead people to participate in VAE.

France has historically focused on the adult population and therefore, to avoid any misunderstanding, this paper also deals with the adult population only. It does not address the issues of initial education and training nor any kind of juvenile issues. And this is a first conclusion for France, the law on VAE clearly relates to the adult population. Nevertheless, it must be stressed very clearly that the French history of qualifications and validation shows the attachment to ensuring that the exact same qualifications are used for young people and adults, with no distinction. Whatever the pathway they follow (formal initial education and training, adult learning including adult vocational training and continuing training, or VAE), all individuals, regardless of their age, are awarded the qualification corresponding to their learning outcomes, after an assessment against predefined standards. There is no mark on the transcript indicating how the qualification was achieved.

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<sup>9</sup> "People will be taught about new laws, agricultural observations and economic methods that they need to be aware of: they will be shown the art of educating themselves," Report to the National Assembly, Paris.

<sup>10</sup> The French term would be *certification*. In this paper, and in English, the terms "qualification" and "certification" are taken as synonymous, which cannot be done in French. It is both the process and the award. In French, the *certification* is only one component of the *qualification*; and a *qualification* is mainly meant for people in the labour market.

<sup>11</sup> It is important to note upfront that this point about the absence of requirement concerning additional formal learning for full validation was added only in the 2002 Law.

<sup>12</sup> There are seven Ministries awarding qualifications (*ministres certificateurs*) in France and they all maintain their own standards (*référentiel*). This includes the Ministries of Labour, Defence, Agriculture and others.

## HISTORICAL BACKGROUND: THE FOCUS ON VOCATIONAL PREPARATION OF ADULTS FOR THE LABOUR MARKET

The best way to understand what has happened in France over the past two centuries and has led to VAE is the constant focus on adult learning. More precisely, France has always focused on the vocational preparation of adults for the labour market, on what is called in French *formation professionnelle des adultes* (adult vocational training). It does not mean France has necessarily been successful – in terms of the number of participants for instance, compared to Nordic European countries typically<sup>13</sup> – but that the French approach is hard to understand if one does not acknowledge this focus on adult vocational training, on the preparation of adults so that they become better, more productive workers. And, if not necessarily fully successful, at least this approach has developed over time and can be seen as one of the rationales that led to VAE.

Werquin (OECD, 2003) identifies the speech Condorcet (1992) made before the National Assembly soon after the 1789 French Revolution as the foundation of this focus on adult vocational training. The principle in France is that, for a worker to be and remain productive, s/he has to be trained throughout life. It is probably not a coincidence that two of the main publications in the recent history of lifelong learning were coordinated by two French persons: Edgar Faure (UNESCO, 1976) and Jacques Delors (UNESCO, 1994).

This focus on adult vocational training forms the basis of the creation of the *écoles d'ingénieurs* (higher education institutions preparing high-level engineers and scientists), by Napoleon the First, in order to organise the training and the qualification process for the management of staff in charge of developing the trade industry. It forms part of the distinctive French system of the *Grandes Écoles* (the still active, very selective tertiary education system). This principle also drove the training policy during the Industrial Revolution and gave rise to the apprenticeship system in 1919, which was meant to provide France with a qualified labour force.

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<sup>13</sup> It seems they do better in terms of participation rates, and also in terms of performance in the recent international surveys such as the International Adult Literacy Survey (OECD, 2000; Carey, 2000).

Companies also played an important role. They set up their own schools (*écoles d'entreprise*) to upgrade the competences of their workers<sup>14</sup>. Trade unions opened specific establishments to help reskilling disabled workers, who were injured at work, so that they could resume working.

Just before World War II, there was a new, more philanthropic movement – based on private and religious initiatives – which also promoted the education of the population. Another idea was to develop the competences of the people through a new approach that promoted better access to culture and sport. It was then that the *Association pour la formation professionnelle des adultes* (AFPA, *Association for Adult Vocational Training*) was created, which proposes a specific pedagogy, based on accelerated education and training (*formation accélérée*) for job seekers.

All in all, in France, the largely widespread belief has always been that a qualification could be achieved in different ways. The pathway and the method could be different<sup>15</sup> but the qualification must be the same. This is the essence of the VAE system. This principle was passed into law in 1971, called *Loi sur la formation continue* (Law on Continuous Training). It stipulates very clearly that, for adults, the exact same qualification can be proposed through different pathways (initial formal learning or continuing adult learning). The precise concept of VAE was not spelled out yet; but this law paved the way for what would develop from 1971 on. Indeed, in addition to providing the key principles for the financing of continuous learning and the institutions that deliver continuous training, the law of 1971 already clearly stated that the same qualification can be achieved in different ways. Again, this was not new. It has been a key belief for almost two centuries but it was put into law for the first time in 1971.

The distinctive feature of the French approach early on was the idea that a qualification is not strictly attached to a unique learning pathway. A qualification can definitely be linked to the learning content but not to a pathway. In essence, this is the birth of what is called in French *acquis*; and which is best translated in English as "learning outcomes". The French word clearly indicates that what matters is what has been acquired – typically in

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<sup>14</sup> See *Migros School Club* in Switzerland for an example outside of France. To a large extent, the German Dual System whereby employers are committed to the vocational preparation of young people also shows the Western European attachment to vocational training for the labour market. However, the parity of esteem between the vocational tracks and the academic tracks is achieved nowhere in Europe, even if the self-esteem of young people in the vocational education and training system is clearly better in Germany.

<sup>15</sup> Typically young people in the initial education and training system and adults in the adult learning system.

terms of competences (taken here as knowledge, skills and attributes)<sup>16</sup> – as opposed to where and when they have been acquired.

Again, it does not mean that France was necessarily successful in implementing this approach. This issue is not directly relevant to this paper, which is meant to provide a synthetic analysis of the French legislative framework. However, one of the reasons for the lack of total<sup>17</sup> success is relevant for South Africa and will be briefly described. In short, none of the main actors were ready for such a cultural shift. The designers of qualification themselves remained attached to the idea that assessment is about assessing a formal learning episode or module, as opposed to any kind of learning experience<sup>18</sup>. The idea that a qualification should only be seen as the result of an assessment – of competences and against predefined widely accepted/negotiated standards – rather than the last step of a formal learning episode or module, is not yet accepted. And it is not accepted most of the time because it is not understood.

The required cultural shift is considerable. Even though the qualifications are designed in collaboration with employers and active employees, the designers seem to have difficulties moving away from the concept of inputs (number of hours typically). They often are teachers and have been designing training packages, rather than qualifications, for a long time. This approach still remains in higher education.

Still today, there remains some sort of confusion regarding this fairly general issue: for example, despite a general claim in many countries that they think in terms of learning outcomes, a lot of users (in the world of education typically) often refer to a formal learning programme or modules when they talk about a qualification.

Interestingly enough, despite the fact that VAE was not really in the discourse at that time in France, the fact that the concept of qualification was completely and legally disconnected from the learning method (initial education and training versus continuous adult training at that time) probably made life easier for promoters of VAE.

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<sup>16</sup> And therefore moving away from the rather silly, and regrettably widely used, “knowledge, skills and competences” definition of competences, where the competence is a component of itself; but this is not the purpose of this paper.

<sup>17</sup> It is not a failure either. But this paper is not intended to convey the idea that France has reached a panacea. That is why it is said that it is not a total success yet. There are reasons to be optimistic but a lot of work remains to be done, on the actors' and stakeholders' state of mind, for instance.

<sup>18</sup> It must be stressed here that communicating about these concepts and subtle differences is made particularly difficult due to the use of a language other than French.

Also noteworthy, France has had an NQF since the early 70s. However, this was not a factor for the development of VAE at the time because it was not based on learning outcomes. The first version of the French national qualifications framework appeared in 1969 with seven levels. It was highly focused on the level young people leaving the initial education and training system should have reached to meet the needs of the labour market. It is nowadays a standard approach to establish an NQF – sometimes linked to a regional international one<sup>19</sup> – in relation to validation of non-formal and informal learning. Many countries have adopted this approach, probably because the concept of learning outcomes is at the heart of both systems: the qualifications framework and the validation system. The existence of an NQF is clearly a conducive element to the development of recognition of non-formal and informal learning outcomes; however, that was not the case in France where the two approaches were relatively disconnected, at least in the chronology of the legislation.

Finally, in the 60s, France developed a sort of credit system, based on units (*unités capitalisables*) that could be accumulated towards a qualification, which paved the way for VAP and then VAE. Indeed, this pioneering system showed the way in terms of formal learning modules and also in terms of qualification modules. As early as 1997, all the vocational qualifications ranging from the International Standard Classification of Education (ISCED) levels 2 to 5 were built on the principle of units that were related to subject matters for academic knowledge, and to competences for the vocational aspects. Each assessment test students take corresponds to a qualification unit for the Ministry of Education. This was not necessarily the case for all the other ministries, but the practice of the Ministry of Education has had a lot of influence on the other actors.

All in all, the French *Validation des Acquis de l'Expérience* system can be characterised as such:

- A comprehensive approach: since 2002 and the Law for “Social Modernisation” – with some earlier experiments – any kind of learning outcomes, however acquired, can be validated: the whole experience of an individual has value and may be given currency in the lifelong learning formal system and/or in the labour market;
- There is clear (historical) will and belief that a qualification should be disconnected from any formal learning spell, a qualification should be attached to an assessment;

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<sup>19</sup> For example, see the work by the European Commission (European Qualifications Framework), the Economic Community of West-African States (ECOWAS) or the South African Development Community (SADC).

- Creating new routes to qualifications is a way of increasing equity as this will provide a second chance for a qualification, which is central in the French system – its labour market typically – where owning a qualification is a visa opening many doors (Recotillet and Werquin 2009); and
- The *Validation des Acquis de l'Expérience* will create some sort of incentive for people to resume formal learning and, therefore, *Validation des Acquis de l'Expérience* is clearly a conducive system to lifelong [even formal] learning.

The next section describes the French legislation for recognising non-formal and informal learning outcomes over time.

## DETAILED OVERVIEW OF THE FRENCH LEGISLATION FOR RECOGNISING NON-FORMAL AND INFORMAL LEARNING OUTCOMES

This section is the main section of this paper. It describes the French legislation regarding the validation and recognition of non-formal and informal learning outcomes. The first major step in recent history dates back to 1934 (Table 1). The analysis will focus more on, and the policy recommendations will derive more from, the most recent steps, such as the shift from Validation of Occupational Learning Outcomes (VAP, Law of 1992) to the Validation of Experiential Learning Outcomes (VAE, Law of 2002).

### ***The French legislative system: description***

There are at least three relevant levels of texts in the French legislative system: the law (*loi*), the application decree (*décret d'application*) and the decision or by-law (*arrêté*).

The highest level is the law. The corresponding text is generally crisp and short when it comes to a specific subject – a page for VAE in 2002<sup>20</sup> – but such a text is generally part of a bigger text, a law that may cover several aspects of the functioning of the country. A relevant example is the 2002 law on VAE, included in a more general law called “Law for Social Modernisation”. Because it is short and crisp, the law provides the general principles. The key laws for the validation and recognition of non-formal and informal learning outcomes are provided in Annex 2.

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<sup>20</sup> See Annex 2.

The Application Decree provides the framework. In the case of VAE in France, the role of implementing the principles was given to the local actors.

In the field of validation of experience, the very first law was passed in 1934 (Table 1). It was very specific to workers who were serving as engineers without formal qualification. With this law, they could be awarded this formal qualification without studying in the formal learning system. It is marginal in scope, but it is worth noting that this happened quite a long time ago.

Since this pioneering law, three major laws form the landmarks of French legislation:

- The Law of 1984 on Validation of Occupational and Personal Learning Outcomes (VAPP, *Validation des acquis professionnel set personnels*). It is called VAPP 85 in French jargon because the Application Decree was published in 1985. It is basically for access to tertiary education, through exemption of an academic prerequisite. It is still active in 2012;
- The Law of 1992 on Validation of Occupational Learning Outcomes (VAP, *Validation des acquis professionnels*). The eligible applicant is exempted from all kinds of formal learning and from all kinds of assessment except for one test that s/he has to take. If the applicant does not pass the test of her/his choice, s/he also loses all the qualification units that had just been validated during the VAP process. This law is not active anymore: it was cancelled and replaced by the new law on VAE in 2002; and
- The Law of 2002 on Validation of Experiential Learning Outcomes (VAP, *Validation des Acquis de l'Expérience*). To claim eligibility, an applicant must have at least three years of experience relevant to the qualification s/he aims to achieve. The VAE procedure allows for the awarding of the full qualification. Units that have been validated remain valid for five years during which the applicant may complete all the necessary units for achieving the full qualification.

Finally, in parallel with the different laws addressing the validation of non-formal and informal learning outcomes, France set in motion a system called *Bilan de Compétences*. There is no official translation of this term and it is usually not translated in the literature. A literal translation would be "taking stock of someone's competences"<sup>21</sup>. It is a personal appraisal. It has a major place in the French system of human resource management. It is intrinsically related to the French system of information, advice and guidance of workers.

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<sup>21</sup> Competences taken in a rather broad sense: knowledge, skills and attributes.

However, the *Bilan de Compétences* does not resemble in any way the validation system: the *Bilan de Compétences* does not involve assessment or the awarding of a qualification – even partial – or credit. It is an individual reflection on one's competence and occupational past pathway. The various texts dealing with the *Bilan de Compétences* have been added to the chronological list (Table 1) but are not addressed further in this document.

Nowadays, in terms of validation of non-formal and informal learning outcomes, only the “VAPP 85” and the “VAE” coexist (a comparative analysis of these two systems is presented further on in this paper). The VAP was not a real success, to say the least, and the VAE has proven a lot more effective in increasing the number of participants (see below for possible explanations)

**Table 1: French Laws, Decrees and Decisions in Chronological Order**

*- The Concept of experience has broadened over time -*

Official Texts and Dates	Main Objective(s) or Content
Law of 10 July 1934	Implementation of a process to award the <u>Master's Degree in Engineering</u> certified by the state ( <i>Titre d'ingénieur diplômé par l'État</i> ) to those occupied in a job involved in team and process management for 10 years or more. Those people did the same job as formally qualified engineers but they could not earn the same wage because they did not have the Master's Degree in Engineering. This law offered a solution to this issue.
Law n° 84-52 of 26 January 1984 (a.k.a. VAPP 85)	Establishment of the principle of <u>Validation of Occupational and Personal Learning Outcomes</u> (VAPP, <i>Validation des acquis professionnels et personnels</i> ) for <u>access</u> to tertiary education (exemption of academic prerequisite, which is the qualification achieved at the end of upper secondary education, <i>Baccalauréat</i> in French).
Application Decree n° 85-900 of 23 August 1985	Implementation of the 1984 Law for tertiary institutions.

Official Texts and Dates	Main Objective(s) or Content
Law n° 91-1405 of 31 December 1991	Establishment of the <i>Bilan de Compétences</i> <sup>22</sup> .
Law n° 92-618 of 20 July 1992 (Was repealed in 2002 and replaced by the Law of 2002)	Establishment of the principle of <u>Validation of the Occupational Learning Outcomes</u> (VAP, <i>Validation des acquis professionnels</i> ) for anyone with five years of occupational experience related to the targeted qualification. This law more specifically covers the qualifications and certificates awarded by the Ministry of Education.
Application Decree n° 92-1075 of 2 October 1992	Description of the provision.
Decision (by-law) of 27 October 1992	Definition of the template regarding the agreements for the fulfilment of the <i>Bilan de Compétences</i> .
Application Decree n° 93-5338 of 27 March 1993	Implementation of the Validation of the Occupational Learning Outcomes (VAP, <i>Validation des acquis professionnels</i> ) procedure for all national qualifications (degrees) in tertiary education.
Decision (by-law) of 27 March 1993	Preparation of a VAP portfolio for all national degrees in tertiary education.
Law 2002-73 of 17 January 2002	Establishment of a new principle: Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ).

<sup>22</sup> This is usually not translated in the literature. The "*Bilan de compétences*" is a personal appraisal, which involves some guidance, for volunteers to reflect on their past acquired competences and take stock of their skills so they can consider new options in their occupational life (such as training and/or occupational mobility). It does not involve formal assessment, or the awarding of a qualification. In the classification used in this paper, it is about information and guidance and, to a small extent, about (re)entry into the labour market.

Official Texts and Dates	Main Objective(s) or Content
The law of 2002 has been followed by six application decrees	
Application Decree N° 2002-529 of 16 April 2002	Validation of tertiary studies undertaken in France or abroad (application of the Articles L. 613-3 and L. 613-4 of the Education Law Book [ <i>Code de l'éducation</i> ]).
Application Decree N° 2002-590 of 24 April 2002	Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ) in Tertiary Education Institutions (Application of the first paragraph of the Article L. 613-3 and of the Article L. 613-4 of the Education Law Book).
Application Decree N° 2002-616 of 26 April 2002	National Directory of Vocational Qualifications (application of the Articles L. 335-6 of the Education Law Book and L900-1 of the Labour Law Book ( <i>Code du travail</i> )).
Application Decree N° 2002-795 of 3 May 2002	Leave of absence for Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ).
Application Decree N° 2002-1459 of 16 December 2002	Financial support by the employers of the Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ) (Amendment of the Title V of the Labour Law Book n° IX, Part 2: Decrees of the Council of State [ <i>Conseil d'État</i> ]).
Application Decree N° 2002-1460 of 16 December 2002	Control of the organisations that assist applicants for the Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ) (Amendment of the Title IX of the Labour Law Book n° IX, Part 2: Decrees of the Council of State [ <i>Conseild'État</i> ]).

Official Texts and Dates	Main Objective(s) or Content
Law 2004-809 of 13 August 2004	Local autonomy and responsibilities. This law involves the regional governments in the implementation of the Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ), with the establishment of a specific inter-institutional committee.
Application Decree 2006-166 of 15 February 2006	Establishment of a committee for the development of Validation of Experiential Learning Outcomes (VAE, <i>Validation des Acquis de l'Expérience</i> ) for the duration of three years.
Law 2009-1437 of 24 November 2009	Simplification and adaptation of various arrangements in the field of vocational education and training (Modifying the Labour Law Book; Part 2: Decrees of the Council of State ( <i>Conseild'État</i> )).
Decision (by-law) of 31 July 2009	Implementation of a specific procedure for the <i>Bilan de Compétences</i> of the State Civil Servants.

Source: [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr)

Note: French laws usually cover several aspects and can be as long as hundreds of pages. Nevertheless, the relevant sections for the purpose of this paper are usually short (see extensive texts in Annex). Application Decrees are extremely long and are not provided herein.

### ***The French legislative system: analysis***

As already mentioned above, VAE legislation is the result of a long-term focus on adult vocational training and the deeply anchored belief that qualifications cannot be awarded only to learners in the initial formal learning system.

#### The laws are preceded by a collaborative preparatory work by social partners

With this belief having largely pervaded society, it is not surprising that the recent laws, especially the Law of 2002, did not come unannounced. Most of the recent laws were preceded by a National Inter-sectoral Agreement (ANI, *Accord National Interprofessionnel*) by which representative social partners agree on some specific aspects of the relationships between employers and employees. The recent laws therefore validate a pre-existing negotiation that led to an agreement. The laws are therefore implemented – through the Application Decrees (Table 1) – in a rather conducive context.

The next question is why France needs to bring the text to Parliament – in order to make it a law – if there is already a consensus and an agreement. This is due to the specificity of the French system regarding adult vocational training that is highly decentralised – despite France being a highly centralised country on many levels – and also to make sure that the decisions made under the ANI reach individuals and workers who do not necessarily fall under the remit of the social partners who signed the agreement. ANIs in France cover a large fraction of the population, but not all the population. Unemployed people, typically, are barely represented. All in all, a law is the way to make something a right for every individual in France: to make it national and universal<sup>23</sup>. This law is articulated to the relevant ANI to which it is intrinsically related. The Law of 2002 is also a natural continuation of the previous legislation on lifelong learning and adult vocational training.

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<sup>23</sup> Another typical example is given by the minimum wage set by a law and therefore applies to every single employee in France. The minimum wage is called SMIC, which stands for Guaranteed Inter-occupational Minimum Wage (*Salaire minimum interprofessionnel de croissance*). It is indexed on the economic growth (hence the C, for *croissance* [Growth] in the acronym).

This preparatory work, because it involved key actors and stakeholders<sup>24</sup>, is a potential explanation for a better acceptance and a good level of knowledge of such a system by end users such as employers, workers organisations and learners<sup>25</sup>.

### The French legislation involves a lot more stakeholders than only the Ministry of Education

Another belief that seems quite widespread in France is that the Ministry of Education cannot be the only authority in charge. First of all, France traditionally has had several ministries<sup>26</sup> in charge of delivering qualifications (*ministers certificateurs*). Other ministries – such as the Ministry of Agriculture, the Ministry of Defence and, obviously, the Ministry of Labour – deliver qualifications.

In the particular case of the validation of experiential learning outcomes in France, it is the Ministry of Labour that prepares the text for the Parliament to vote upon. This should not surprise the reader as it has been repeatedly said above that validation is the natural sibling, or children, of adult vocational training and the latter has always been placed under the authority of the Ministry of Labour. In addition, the Ministry of Labour has a leading role in organising the inter-ministerial work when it comes to adult vocational training (*formation professionnelle*) and continuing training (*formation continue*).

This wide involvement has several immediate implications:

- The French approach to VAE is systematically inter-sectoral and inter-ministerial;
- The French VAE system leads to a lot more qualifications than only those of the Ministry of Education;
- The standards (*référentiels*) used in the assessment process are provided by the relevant stakeholders to the targeted qualification, not necessarily the Ministry of Education;

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<sup>24</sup> See Coles and Werquin (OECD, 2007) for some considerations along the same lines, based on international comparisons regarding the national qualifications system.

<sup>25</sup> Again, this paper does not mean to claim that France has the perfect system. So, another way to phrase it would be that, without such a collaborative ex ante effort, there would be even less acceptance and knowledge of the VAE system.

<sup>26</sup> The exact list varies with political change and the different governments but the following are the most stable over time: Education, Higher education, Agriculture, Labour, Culture, Sports, Social affairs, Health and Defence.

- All the French laws regarding VAE are signed by 16 ministers, in addition to the Prime Minister<sup>27</sup>; and
- The process for passing a law can be extremely long.

This wide implication of many stakeholders, way beyond the Ministry of Education, potentially creates a sense of ownership widely shared, which is probably conducive to VAE.

The phrasing of the law leaves a lot of room for flexibility and adaptability

During the process by which all ministries are involved in endorsing the legislative texts produced by the Ministry of Labour, there is a rather strong consensus due to the nature of the preparatory work. However, there are always some marginal amendments required by various ministries. For example, ministries are very attached to the “subsidiarity” principle by which matters ought to be handled by the smallest, lowest or least centralised competent authority. As expected, all ministries want to remain in charge of whatever directly falls under their authority, field of expertise and implementation strategy.

To that extent, the French approach is interestingly different to what seems to be the chosen approach in South Africa. In France, all possible partners were involved in the preparation of the law, and the law does involve them: for example, the regional governments and all the departments of the ministries involved in vocational training and/or information and guidance. However, in involving all these partners and stakeholders, the law had the only purpose of defining the tasks of each stakeholder. The conditions under which these tasks will be undertaken and the modalities of implementation are not described in the law. These conditions and modalities are provided in additional legislative texts, typically as decrees, so that there is a certain degree of flexibility possible in the implementation. As soon as implementation is addressed in a law, it loses all forms of adaptability and is detrimental to good functioning on the ground when it comes to implementation.

The possibility for local stakeholders, or marginal players, to have input in the implementation process could rank among the reasons that ease the wide adoption and use of VAE.

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<sup>27</sup> The Minister of Labour often signed on behalf of the Prime Minister.

## **THE SITUATION IN 2012: THE COEXISTENCE OF VAE 2002 WITH VAPP 85; AND THE *BILAN DE COMPÉTENCES* (1994)**

A potentially specific feature of the French legislation is that none of the new laws have totally cancelled and replaced previous ones in the same field; with the notable exception of the Law of 2002 on VAE that has cancelled and replaced the Law of 1992 on VAP. Therefore, France has several coexisting systems and, despite the rise of VAE, there are clearly several systems in use corresponding to different, sometimes ancient, laws: the VAPP 85 and the *Bilan de Compétences* (1991) (see Table 3 for a comparison of VAP and VAP 85).

### ***Different laws, and systems, to cater to different needs***

One of the principles regarding the objectives of a law in general, and the law on VAE specifically, is that it cannot serve too many purposes. The French history regarding validation of any kind of learning outcomes shows an evolution from a very specific purpose in 1934 (for acting yet not qualified engineers), to a broader one in 1992 (validation of occupational learning outcomes, VAP), and to a rather comprehensive one in 2002 (Validation of all Experiential Learning Outcomes, VAE). The reader will have noticed that this is a natural evolution consistent with the opening up of society towards any kind of learning outcomes. Nevertheless, it is also true that, if the Law of 2002 on VAE has cancelled and replaced the Law of 1992 on VAP, the former now coexists with the rather old Law of 1984 on VAPP. This is not a coincidence. This means that specific, well calibrated laws are extremely effective in serving specific purposes and it makes sense to have different coexisting laws to cater to specific needs. Along the same lines, the well-known (even internationally) and widely used *Bilan de Compétences* still follows a law established in 1991.

It is therefore interesting to list the possible objectives of a law in this field and to match it with the existing French legislation. Trying to classify the French approach, it seems there have been four different objectives more or less addressed in the different laws listed in Table 1:

- Qualification, whether partial or full qualification;
- Access to the lifelong formal learning system, since studying in the formal learning system (typically a university) always implies an academic prerequisite (having achieved upper secondary education in the case of access to university at the lowest level);
- Information, advice and/or guidance, for the labour market and lifelong formal learning; and

- Entering the labour market, since being recruited demands specific conditions, often related to owning a qualification, but not only, as in the case of regulated occupations where a licence to practice is often mediated by a specific regulator for the profession.

The argument proposed in this paper is that it is always possible, from a political point of view, to pass a general law; yet technically it is a lot more complicated because it would involve too many and very different actors. And, as a matter of fact, France has different laws corresponding to these different rather technical objectives.

From this point of view, the Laws of 1971 and 1985 (Table 1) are clearly about access. The Laws of 1992 and 2002 are clearly about qualification, potentially about direct qualification for the 2002 Law.

In the case of the *Bilan de Compétences*, the rationale for its creation has to do with social and economic reasons. Since the early 80s, with a clear worsening during the 90s, France witnessed a dramatic rise in unemployment rates. There was also a need for providing workers with reskilling opportunities and using the new Information and Communication Technologies that had a big impact on the content of trades and occupations. From 1992, VAP saved time and money in delivering state-of-the-art qualifications. The efficiency of the VAP system was based, however, on the development of a relevant guidance system; hence the *Bilan de Compétences*. This allowed for the identification of individual needs in terms of continuing training, job seeking and/or qualification(s), which are all necessary steps for (re)entering the labour market. It became clear at that time that training for the sake of training was a dead end – the French term *stage parking* (useless internship) was coined in those days – and that it was not cost effective, except perhaps for improving the statistics about the number of unemployed people.

**Table 2: The Two Current French Systems for Validation, in 2012<sup>28</sup>**

Arrangements	VAPP 1985 For Access	VAE 2002 For Direct Awarding of a Qualification
Objectives	Exemption of academic prerequisite for access to tertiary education.	Partial or full qualification, with recommendations for additional education and training or experience in the latter case.
Eligibility condition	No requirement in terms of minimal duration of experience relevant to the targeted tertiary programme; but the applicant must have been out of the initial education and training system for more than two years (three years in case of failure at the last attempt for an initial qualification).	At least three years of activity – as wage-earner, self employed or volunteer – in a field that is relevant to the targeted qualification.
Potential-aimed qualifications	All national degrees of the tertiary system, even PhD.	All qualifications, titles and vocational certificates (those registered on the National Directory of Vocational Qualification [RNCP]; but the qualifications leading to regulated occupations are not possible yet, nor the PhD).
Learning outcomes that can be validated	All learning spells or modules, internships, occupational and personal experiences, tertiary studies.	Knowledge, skills and attributes relating to the targeted qualification, whatever their level and nature.

<sup>28</sup> The *Bilan de Compétences* is also still active but it does not really cover validation.

**Table 2: The Two Current French Systems for Validation, in 2012<sup>28</sup>**

Committee in charge of the assessment	Committee composed of teachers that suggest a decision, which has to be confirmed by the Chancellor (Highest Level) of the University.	Jury, composed of at least 25% professionals in the field, which makes the decision then informs the qualifications authority, which notifies the applicant.
Effect of the decision	Authorisation for the successful applicant to register with a tertiary programme leading to the requested qualification, in the requested university.	Awarding of the full qualification; or permanent awarding of some of the components of the qualification with specification of the conditions for the applicant to be awarded the full qualification.

***Evidence: the rise of Validation of Experiential Learning Outcomes (VAE, 2002)***

It is probably not a coincidence that the 1992 VAP law is among the few that were cancelled and replaced when the 2002 VAE law appeared. As stated above, different systems, established by different laws, coexist in France because they cater to different needs. Nevertheless, the 2002 VAE law made the 1992 VAP law completely obsolete and therefore only the Law of 2002 is now active when it comes to qualification, either partial or full.

In short, the VAP system had several drawbacks:

- It would only consider learning outcomes explicitly achieved in the workplace, leaving out individuals' private experience and other activities such as volunteering;
- It was not possible to achieve a full qualification only on the basis of VAP; at least one formal learning module, with the corresponding formal examination, was compulsory; this point is particularly relevant when analysed in conjunction with recent findings that adults are interested in achieving a qualification but not motivated to resume formal learning; and
- The components of the qualification that were validated were not valid forever, and participants would, for example, lose them should they fail the compulsory examination; meaning that participants could invest a fair amount of time and still have nothing in the end, in the worst case scenario.

As a consequence, the take up was low and the number of VAP participants never took off (Chassard *et al.*, 2008). The 2002 VAE law addressed these issues and participation has increased since then.

### ***Number of participants***

The number of VAE applicants per year in France is relatively high in the European context. An analysis of the numbers provided by Charraud (2011) shows several patterns worth noting in relation to the question of whether legislation can create an enabling RPL environment.

Firstly, the number of participants increased at a high rate almost immediately after the passing of the 2002 VAE law. The number of applicants was already 63 000 in 2005 and grew to 75 000 in 2008, showing a much higher number of participants and a much higher increase rate – around 10% per year – than in the years that followed the 1992 VAP law.

The number of eligible applicants that proceeded to the assessment stage of validation in the process seems to be at a steady 70% annual rate over the same period (2005-08). In 2005, among the 63 000 applicants, 44 354 were assessed. In 2008, among the 75 000 applicants, 53 000 were assessed. As a reminder, eligibility refers to at least three years of experience in the field relevant to the targeted qualification: many applicants have already failed at this stage (Recotillet and Werquin, 2009). However, reaching the assessment stage requires more than passing the eligibility stage: the VAE process can be very demanding and time consuming for economically active adults with a family life.

On a different level, the numbers show that the Ministry of Education remains the main user of VAE. In 2008, out of the 75 000 applicants, 28 692 applied with the Ministry of Education. There were 22 065 with the Ministry of Health, 10 659 with the Ministry of Labour and 6 909 with the Ministry of Higher Education. These four ministries constitute the bulk of the participation figures. An interesting pattern is that reaching the assessment stage seems somewhat more frequent when applying with the Ministry of Labour: among the 10 659 applicants, 8 632 were assessed. This represents an assessment rate of about 81%. This rate was about 77% for the applicants with the Ministry of Education, 63% with the Ministry of Health and 62% with the Ministry of Higher Education.

One final point deserves some attention for whoever wants to promote recognition of non-formal and informal learning outcomes. As the sceptics and disbelievers often point out, these numbers – 53 000 assessed applicants in 2008 for example – do not match at all with the number of qualifications awarded every year in the initial formal learning system.

Indeed, in France, the Ministry of Education awards about 1.5 million qualifications in the initial formal education and training system. Nevertheless, this comparison is flawed. What does make sense, however, is to compare the number of qualifications awarded in the VAE system and the number of qualifications awarded in the adult learning system; and there, the two systems are on par. It means that, after a few years of existence, the VAE system already matches a system that has been in operation for centuries.

### ***Funding and cost***

The issue concerning finance is twofold. Firstly, there is the cost, which can also be broken down into two: the participation fee for any applicant and how much it costs the system and the organisations. Secondly, there is the funding framework and how the whole thing can be resourced. In France, the laws usually do not say how much participating in a VAE process should cost participants, nor do they say anything about the cost to organisations. Nevertheless, the most recent key law (2002) states very clearly that a VAE process should be considered as a training process and therefore benefit from all the previous legal arrangements for the funding of adult learning, and adult vocational training typically, in the lifelong learning funding framework. This should not come as a surprise given the point made on several occasions above that the 2002 VAE law can be presented as the natural consequence of a century-old attention to adult learning in general, and the preparation of adults for the labour market in particular. As a general principle, the funding available for lifelong learning in general can be used for VAE.

The cost to individuals cannot be provided in great detail because it varies a lot among applicants. There is the direct cost in the form of a registration fee and there is the cost of the guidance and support process, which is not compulsory but highly recommended. The registration fee ranges from the total absence of fees for applicants with the Ministry of Education<sup>29</sup>, to the equivalent amount that traditional students would pay on fees when entering a university for applicants with the Ministry of Higher Education (around Euros 1000, set every year by the ministry), to a lot more for VAE procedures targeting specific qualifications, possibly involving expensive assessment processes (design of the standards, heavy assessment method(s), quality assurance, committee fees, etc.). The cost of the preparation time ranges from Euros 400 to Euros 1500.

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<sup>29</sup> Participants with the Ministry of Education still have to find a sponsor for the preparation time.

The point about preparation time (guidance and support) is of special relevance here. Not only is it highly recommended in principle, but evidence suggests that applicants properly guided during the preparation process have a much better success rate at the assessment and benefit more from their new qualification in the labour market (Recotillet and Werquin, 2009). As mentioned above, this time can be taken as part of the lifelong learning funding as stated in the legislation that is clear on this matter subsequent to a December 2002 Decree. It states that workers have the right to 24 hours of paid leave for VAE. Applicants can use these 24 hours the way they want: three times eight hours, for example. In general, preparation time, assessment time and registration fees can all be covered by different external sources of funding, according to the status of the applicant. Unemployed people, for example, can sometimes rely on funding provided by the Public Employment Service.

The cost to organisations is twofold. There is the direct cost of assessing applicants (assessors, committee, paperwork, etc.) and the cost of elaborating the standards corresponding to the targeted qualification (*référentiels de certification*). Here again, it is difficult to provide exact figures about the overall costs because the direct cost varies according to the complexity of the assessment process (an approximation is Euros 300) and because the cost for elaborating the standards is largely shared with the formal learning system. This last point – about the common standards – should not come as a surprise given the point made on several occasions earlier that the key principle of the French system is the awarding of the exact same qualification to successful applicants, whether they have passed an examination following learning activities in a formal context or whether they are assessed in the VAE system.

Committee members are not remunerated as such but receive some sort of compensation fee, which can be costly for some organisations. Again, the legislation is quite precise here as a law passed in 2009 states that workers' time dedicated to participating in an VAE Committee (fees, travel cost and *per diem*) can be covered by the Accredited Fund Collecting and Distributing Agencies (OPCA) run jointly by employers and unions (*Organismes paritaires collecteurs agréés*). These agencies collect funds from employers that can be used for their employees, as part of their individual learning scheme (*plan individuel de formation*). To that extent, employers do contribute to the cost of VAE.

It is already clear by now that the funding framework for VAE is part of the overall lifelong learning funding framework. The key point in the context of this paper is that it is the legislation (namely Article 21 of the 2009 law) that expanded the opportunities to use

funding related to lifelong learning for VAE. Since regional governments have been given some competences in terms of lifelong learning – adult vocational education and training, for instance – they may contribute, in addition to the state. Agencies run by employers and unions – such as the Regional Individual Learning Management Fund (FONGECIF, *Fonds de gestion des congés individuels de formation*) and OPCA – collect levies from employers and employees for the development of training and may also use this money for VAE. Employers may also contribute directly.

In this framework, the Ministry of Labour – the key player in lifelong learning and VAE – has an important role in allocating state funds to its regional offices. In turn, the latter redistribute some funds to the regional offices of the other ministries that deliver qualifications. They also directly sponsor enterprises and qualification providers such as educational institutions. Charraud (2011) reports interesting examples: in the region of Alsace where VAE vouchers were introduced to support VAE applicants who do not benefit from unemployment benefits or support from their employer: from Euros 180 to Euros 600, plus an additional flat-rate of Euros 300 to cover the direct costs of organising the VAE Committee, where applicable; in the region of Midi-Pyrenees, the vouchers are worth Euros 500 and higher amounts can be awarded on a case-by-case basis depending on the applicant's needs. Regional governments also finance information and guidance centres for VAE. Most of them receive funding from the European Social Fund.

### ***The most recent trends***

The philosophy and technicalities of VAE have slowly been pervading society and the main stakeholders groups. Enterprises are seeing a great opportunity to improve the level of qualifications of their labour force, for example. The number of participants is increasing at a decent pace. However, it is rather obvious that information and guidance could be improved, as many people are still not aware of what VAE is about.

Since the 2002 law, a significant investment has been made in the tertiary sector. Universities see VAE as a great opportunity to attract non-traditional students<sup>30</sup>. Consequently, the tertiary sector has been producing learning outcomes-based standards (*référentiels*). They are meant to facilitate VAE since all qualifications registered with the national qualifications directory (*Répertoire national des certifications*

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<sup>30</sup> The demographic situation is very different in Europe compared to South Africa. The number of potential tertiary students coming from upper secondary education is decreasing very fast in Europe, even if the situation in France (and Ireland, for that matter) is relatively good compared to other European countries.

*professionnelles*, RNCP) must be described in terms of learning outcomes. The tertiary education sector is of special relevance in the context of the legislation about recognition of non-formal and informal learning outcomes because VAPP 85, described above, is widely used for access. In fact, it has been a tradition in the tertiary education system to use validation of occupational experience for access since the 1930s.

## **OPTIONS FOR SOUTH AFRICA TO CONSIDER AND POLICY RECOMMENDATIONS**

In preparing the recommendations for the consideration of SAQA and South Africa, the author had in mind several dimensions:

- The possible introduction of new RPL legislation, or the revision of the existing one, in South Africa;
- The take up, as the key objective of a law aimed at catering to the needs of people is that people do actually participate;
- Societal recognition, because there is no point in setting in motion a well-designed RPL system if the credits or qualifications awarded are not recognised by and in society (by employers typically); and
- Choice of system and objectives of the system: exemption for access; full qualification, etc.

In other words, the recommendations suggested herein are about creating a system that is conducive to the validation and recognition of non-formal and informal learning outcomes to develop in quality and size through adequate legislation. They are not about the work of preparing the legislation as such (potential barriers, either political or technical; feasibility of the proposed suggestion, because of the culture or the legislation already in place, etc.).

A general issue that South Africa is faced with, and that will be spelled out in the remainder of this section, is that the law seems to be a description of the different ways to identify and use non-formal and informal learning outcomes as a whole. On the contrary, history teaches us that there are different objectives for the recognition of non-formal and informal learning outcomes. There are also different methods of identifying and validating non-formal and informal learning outcomes. Finally, there are different standards and actors involved in the recognition of non-formal and informal learning outcomes. The existence of these different objectives, methods, standards and actors means that South Africa ought to consider preparing different legislative texts.

An initial step would also be necessary to clarify, with great precision, what applicants may gain from participating in a process for the recognition of non-formal and informal learning outcomes. The linkage to the NQF, although apparent, may not be spelled out enough for end users to figure out the possible advantages they gain from participating in the recognition of non-formal and informal learning outcomes. To this end, the description and design of the registered standards on the NQF must be clearly developed in order to permit all actors to understand the process of recognition from the experience of applicants to qualification standards.

### ***Wide involvement of several stakeholders and local authorities***

The point made above about the involvement of many stakeholders in the preparatory work and in the formalities of the law may carry meaning for South Africa. Indeed, it seems that the law passed in South Africa may have made the implementation process more rigid by overly describing the role and responsibilities of too many of the actors and stakeholders.

The French approach to building legislation, at least with regard to VAE, was to carve in stone the smallest common denominator, which is extremely consistent with the “subsidiarity” principle. Each branch, or each sector or ministry, can develop its own implementation strategy but it cannot do less than what is stated by law<sup>31</sup>. This is the only possible approach in France as, again, many ministries are involved in the legislation of VAE and none of them have received the same mission from the Prime Minister. For example, the Ministry of Labour has the double mission of addressing adult vocational training and continuing training. On the other hand, most of the other ministries only have adult vocational training under their remit.

As a general rule, a rather flexible law, with a lot of room for manoeuvring when implementing the law, protects the small players against a possible hegemony – chosen or *de facto* – by the bigger partner such as the Ministry of Education or Ministry of Labour.

### ***A law: for which objective(s)?***

This section provides a description of the potential objectives for participating in a validation programme. In the case of France, it became clear very early on that

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<sup>31</sup> The similarity with the French Law on minimum wage is very relevant here too: firms can pay their employees more but cannot pay less.

participants in a validation programme never needed to meet all the objectives (qualifications, recruitment and access).

It should therefore be asked whether the new legislation being considered in South Africa should be a global law, or whether different objectives should be met with different legislative arrangements. This does not mean the general policy cannot be fairly general; this point is more about the legislative arrangements and texts proposed to parliament.

For example, if RPL legislation is tied to NQF legislation, it may well be that some objectives are out of reach for the participants, because of excessive complexity or because the practical arrangements are not provided. It is unlikely that the same actors are involved in the four objectives described earlier in this paper. For instance, in the case of the *Bilan de Compétences* in France, the objective is about guidance, which means a rather holistic approach and a global analysis of the participant's competences. In France again, when the objective is access (to tertiary education, for example), the main actors are teachers. Finally, when the objective is a qualification, the main actors are mainly assessors and, to some extent, teachers as well. As in all the countries, when the objective is finding a job, the main actors are employers.

It seems the difference between summative and formative assessment, for instance, is well known/mastered in South Africa. However, the current legislation, as perceived through a general browsing, seems too general to cater to the specific needs individuals may have.

### ***Simplify, organise and classify the legislative framework***

By the same token, it seems difficult, at least from the French perspective, to build a technical scheme that involves so many actors. The text that came to our attention provides a list of actors that seems extensive but limits the applicability of such a legislative text. It seems South Africa is aware of this, or has come to realise the issue, and the solution adopted has been to add a set of guidelines to facilitate the work of RPL officers. It is a good way out but a set of guidelines is not a legislative text. It would have been easier to limit the number of actors from the beginning.

### ***Open up to the wider world and facilitate societal recognition***

Regardless of what South Africa has achieved so far in terms of legislation, a general principle is to involve as many end users as possible in the preparation of the legislation. There are two dimensions in this recommendation.

The first is that end users – such as employers – develop a sense of ownership early in the process if they are involved from the beginning. This not only facilitates the acceptance of qualifications that come from RPL, but it is also a way to help communicate to the wider world the value of qualifications awarded after an RPL process. Societal recognition is highly dependent on the currency of the qualifications awarded after an RPL process. This currency itself is highly dependent on how well it is known by many people. Employers and other end users are key players to communicate about RPL.

The second dimension may seem philosophical but it has large implications for the success of any RPL system: legislation cannot only come from the world of education.

It seems important to repeat here that there is no point in setting in motion a sophisticated validation system if the necessary steps have not been taken so that qualifications, whether partial or complete, or credits, or any other award are not recognised by society. This societal recognition demands long-term preparation and the involvement of all stakeholders and actors early enough in the process so that a sense of ownerships exists and can be communicated to the rest of society.

### ***Ethics***

An important lesson learned by France – which became obvious when relationships between *Bilan de Compétences* officers and VAE officers became acrimonious – is not to confuse the places and providers where the four objectives are being addressed.

This is an issue of ethics and credibility because an actor cannot be involved in designing the system and using it. In other words, parliament cannot be both judge and judged.

A solution is, again, to address the different providers and needs or objectives in different legislative texts. It is always possible to add guidelines to a law, but guidelines do not have the same value and scope as laws.

### ***Adequate level of legislative materials***

The nature of the legislative materials must be carefully designed so that the governance of the system does not become difficult. A law – the highest level – may not always be the most appropriate level. Sometimes, a simple decision communicated through a circular document may also do the job.

In France, the main authorities in charge of adult vocational training and therefore VAE are the regional governments. They have therefore been put in a position to select the

providers according to the local environment and their needs. Again, the law is providing the general context, certainly not the practical arrangements.

And, as a matter of fact, different regions display different levels of advancement in the way they address the needs for validating individuals' non-formal and informal learning outcomes.

### ***Professional development of the Recognition of Prior Learning staff***

A recommendation that may not sound very original is to organise the professional development of the staff of all the providers.

In addition, communication – information, advice and guidance – ought to be organised so that it reaches everyone, and meets the needs and expectations of all.

## **FOOD FOR THOUGHT: FURTHER COMMENTS AND QUESTIONS FOR SOUTH AFRICA TO THINK ABOUT**

These are comments that are not necessarily recommendations because the author may not have all the elements to provide clear and useful recommendations. Therefore, they are framed as general comments and questions in the remainder of this section.

### ***Advantages and drawbacks of legislation***

Most of the points about the added value of passing a law have been made throughout the text. Nevertheless, it is worth highlighting the main advantages of legislation in this last section on the way forward. In the case of France, most recent laws passed in parliament were preceded by negotiation with some of the key stakeholders. Despite the preparatory work and the signing of an ANI, it is impossible to accommodate all interested and affected parties in this initial process. Some major sectors were involved, some key stakeholders were involved, some representative trade unions or employer organisations were involved, but they were not all involved at the same time. Unemployed people who are not organised into representative groups were certainly not involved. The preparatory work is important to assess the needs and wishes of stakeholders and citizens, but such agreements cannot be general enough.

The point of having a law is therefore to make the possibility of applying for VAE the right of every citizen. Individuals who feel they have been treated unfairly can lawfully challenge the decision. This may be a drawback in a highly procedural society, which is not the case in France. In practice, it rarely happens that people go to court because of the

existence of a law, precisely because a law is the highest possible decision and all actors ought to be, and are, aware of it. The challenge is for the law to reach the lay people.

In the case of France, which is highly decentralised<sup>32</sup> in terms of vocational education and training, the regional governments have a lot of autonomy in financing lifelong learning in general and VAE in particular. Not having a law may lead to discrepancies in the way citizens are treated according to the region in which they live.

In addition to catering to the needs of special groups (groups not covered by the ANI, such as unemployed people and individuals living in under-financed regions), Annex 2 also shows that having a law is an opportunity to cast in stone some general principles that the government – inspired by recent trends in society – wants to promote. Attentive readers will have noticed the attention paid to the following issues in the laws: gender balance in the VAE Committee, better information and guidance systems, arrangements for leave of absence and the choice left to applicants to request an interview.

The advantage, or necessity, of passing a law should probably be read in conjunction with the crisp nature of the law in France. The belief is that a law is also a way to send a strong signal to the population that something is worth considering because it could be potentially good for them. If this message *does* reach the population – which is another issue – then it is an excellent channel for organising the official rhetoric, in the good sense of the word.

One of the ways to understand the value of a law is to compare it to the possible alternatives. There are mainly two: it could be a set of guidelines, which are useful in any case, but do not have the power and national currency of a law (guidelines can complement a law but fall short of providing universality if they replace a law); or it could be an agreement among social partners, or any other relevant national stakeholders. If this option is retained, there is no example of the entire population being covered: this is a matter of equity.

### ***Impact of passing a law on the cost of VAE***

In France, there is no evidence that passing a law impacts on the cost of VAE. What matters in terms of cost is the level of formality of the validation process. If it is decided – as is the case in France – that full or part-qualifications awarded after a VAE process are

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<sup>32</sup> This is a glaring exception as France is a highly centralised country.

the same as qualifications awarded in the initial formal education and training system, then the validation process has to be highly formalised, and this is costly, whether or not a law is passed.

The validation process, as clearly described throughout this paper, is composed of key stages ranging from guidance and support, to designing the learning outcomes-based standards, to assessment and to the paperwork for the actual delivery of the qualification; each of these key stages are themselves composed of several other potentially costly stages. None of these stages are impacted by the existence of a law. They are more costly or less costly but it is not the law *per se* that creates, or increases, the cost. A good example is provided by quality assurance in the assessment process. Quality assurance is required because qualifications awarded must have the same currency in the lifelong learning system and in the labour market as do qualifications awarded in the initial formal education and training system, not because there is a law.

A key question for South Africa is therefore to what extent the validation process, and the assessment in particular, should be formalised. It is argued here that this is a key point that policy-makers have failed to identify as crucial. The term "formal" does not only apply to the learning, which is more or less formal by nature, but it also applies to the validation process. Hence, a possible response to the question frequently asked by policy-makers regarding the extent to which all learning outcomes should be recognised, is that "the level of formalisation should be connected to the objectives of the applicants and the nature of the qualification awarded".

Additional costs may be created if a law imposes on society a vision that is not in line with its needs, wishes and/or expectations. In other words, if the law goes way further than what an inter-sectoral agreement would have done. The example of quality assurance is again relevant here. If the law imposes that the system of recognising non-formal and informal learning outcomes delivers the same qualifications – the same national currency – as does the formal learning system, then the law indirectly imposes quality assurance on the assessment process. This is costly and may not have been the first choice of key stakeholders in South Africa. Hence the need for some sort of interaction process with stakeholders and potential end-users before taking the text to parliament.

Finally, a law is an excellent opportunity to set the general scene for what will be the participation fees for individual applicants to RPL. A possible option is that the fee is not necessarily set so that it is less expensive than the equivalent pathway in the formal learning system; as is sometimes the case for non-traditional students in the university

system in South Africa. The fee should be set according to several dimensions (such as the real cost of the assessment process, the level of quality assurance involved, the heaviness of the paperwork for the certification process and the return on investment it brings to successful applicants) but not necessarily so that it is less expensive than formal learning. Participating in recognition of non-formal and informal learning outcomes already corresponds to a massive reduction in opportunity costs<sup>33</sup>; participation fees in RPL therefore do not necessarily need to be less expensive than participating in formal learning. RPL is an investment and this is how it should be promoted to potential applicants.

### ***Recognition of Prior Learning and National Qualifications Frameworks***

Discussions about organising RPL and establishing an NQF are among the most complicated ones. There are several arguments for separating the two issues in legislation but, first of all, it must be made clear that the two concepts have a lot in common. Recognition of non-formal and informal learning outcomes and NQFs often have the concept of learning outcomes in common. They both bring transparency to qualifications and competences. Finally, they both promote equity and it is very likely that one will not happen without the other in many countries. These commonalities probably explain the attempt to address both of them in the same legislation. However, there are also many reasons to believe that they should not be addressed in the same legislation.

Firstly, a qualifications framework is often an education and training framework, rather than a real qualifications framework in the sense that the legislative texts that bring the qualifications framework to life are often focused on, or biased toward, the formal education and training system, usually the initial one. For instance, the stakeholders and actors described in the legislative text for a qualifications framework are mostly the ones operating in the formal learning system. In addition, the four objectives described for validating and recognising non-formal and informal learning outcomes – qualification, access, guidance and labour market – are not often all described in the legislative text for a qualifications framework. This latter point is not an issue as such for establishing a qualifications framework through legislation, but it is relevant in ensuring that recognition of non-formal and informal learning outcomes is adequately taken on board in the same legislation. In fact, it is very likely that the four objectives of recognising non-formal and

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<sup>33</sup> The cost endured by participants in learning or RPL activities due to the impossibility of working, or engaging in any other activity.

informal learning outcomes cannot be addressed in legislative text dealing with a qualifications framework.

There are also instances – although less and less frequent nowadays – in which the qualifications that appear in the qualifications framework are based on the duration of the programme(s), number of credits or content of programme(s), concepts that are not very germane to the recognition of non-formal and informal learning outcomes.

Linked to the arguments made above about the mismatch between a qualifications framework and the recognition of non-formal and informal learning outcomes, is the fact that validation is a process. What is described, or provided, in a qualifications framework is only about the final outcome: the qualification. A qualifications framework is a classifying tool for qualifications. In the recognition of non-formal and informal learning outcomes system, the qualification also appears at the end, but it cannot be the only objective (there are the three others that are not described, or not well enough, in a qualifications framework: access, guidance and labour market). Since validation of non-formal and informal learning outcomes is a process, legislation must enlighten the users about the vision in terms of this process (assessment, financing, objectives, etc.). This is difficult to achieve in a text about a qualifications framework.

All in all, there is a clear difference in concept between a qualifications framework and a system for the recognition of non-formal and informal learning outcomes: the qualifications framework classifies the qualifications awarded after an assessment; the recognition of non-formal and informal learning outcomes system aims at assessing these learning outcomes. The formalisation achieved thanks to legislative text must be about the process when it comes to recognition of non-formal and informal learning outcomes.

In South Africa, it seems RPL falls under the legislative framework covering a national qualifications framework and the latter falls under SAQA. Would it be possible to consider a different division of labour with, for example, an inter-ministerial agency?

### ***Further thoughts***

The first legislative text necessary in a country planning a validation system must be about the currency of the credits awarded in the context of validation and recognition of non-formal and informal learning because it is the only component that matters to everybody in the country. Where South Africa stands regarding this foundational text is a key issue.

For obvious historical reasons, South Africa has used as many options as possible to redress the situation of individuals having suffered during the apartheid time, and RPL has been one of them (Gunning, Van Kleef and Werquin, 2008). The question is whether RPL is the appropriate tool for achieving such a societal goal. RPL is typically about a second chance for qualification, not a second chance for education. France did not have anything close to apartheid but social injustice does exist in France too and is definitely not addressed through legislation about validation.

Following the points about the different actors involved in the different objectives (access, qualification, guidance and labour market) – and the need to have a law for each objective, an initial step to determine the different roles of the different actors may be an option to consider: regional governments in France, for instance, have received much power through the Law of Decentralisation, and Adult Education Centres, for example, have also become new players in France.

The point made throughout this paper that one single legislative text cannot address all the expectations and cater to all the needs of a population is definitely among the most relevant in South Africa.

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## ANNEX 1. TERMS AND CONCEPTS<sup>34</sup>

This annex, rather than providing exact definitions – which would be a challenge in terms of space and the bilingual context – proposes a discussion of the key terms and concepts used throughout this paper, for readers to better grasp the specificities of the French legislation. It is organised in alphabetical order of the English terms:

Accreditation (*accréditation*): despite the evident connection with the term “credit” (*crédit*), the term accreditation in French only applies to **institutions**; if/when they receive the formal legal authorisation for doing something, in the context of this paper, for awarding a qualification typically. The term is sometimes used in English – not in South Africa – in the context of validation and recognition of non-formal and informal learning outcomes and it is not a good idea (UNESCO, 2012)<sup>35</sup>. The last thing the field of recognition of non-formal and informal learning outcomes needs is new words/terms (Werquin, 2007a).

Application Decree (*décret d'application*): second legal document in order of importance after the law in the French legislation. A decree can be quite long. It can spell out all the practical arrangements concerning policies and strategies broadly defined/provided in a law. **A decree is about the implementation of a law.** A decree is signed by the President of the French Republic, the highest authority in the country, or by the Prime Minister who is the head of the government and therefore represents the political majority in the parliament; sometimes by a minister relevant to the topic (in the case of VAE, the Minister of Labour) on behalf of the Prime Minister.

Apprenticeship (*apprentissage*): system by which learners (often young people) spend some of their time in a classroom and some of their time at the workplace, as with the Dual System in Germany. In French, the issue is that “*apprentissage*” is also the noun/substantive of the verb “*apprendre*” (to learn), hence a possible **confusion**. A possible way out is to use “*apprentissages*” (plural) for learning and “*apprentissage*” (singular) for apprenticeship to separate the two concepts.

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<sup>34</sup> See Coles and Werquin (OECD, 2007), Werquin (2007a) and Coles (CEDEFOP, 2009) for a series of agreeable, and largely agreed, definitions.

<sup>35</sup> The French translation of the key terms in this publication should not be used. There are basic errors and misconceptions all together.

Assessment (*évaluation*): the word assessment in a validation process is perfectly translated in French by the word “évaluation”. In English, the word evaluation exists too but it is rather used in the context of policy evaluation. In English, it is highly recommended to keep the word “assessment” for individual applicants and the word “evaluation” for policies, programmes and strategies.

The word assessment (“*évaluation*”) is key in the French context of education and training, way beyond the specific context of recognition of non-formal and informal learning outcomes, because it possibly delineates the difference of philosophy between the French approach to qualification and the approach used in many other countries (even if this is changing everywhere with the abandoning of input-based approaches in favour of learning outcomes-oriented approaches). In short, **the entry point into the concept of qualification (“*certification*” in French) in France is through the assessment of what individuals know or can do** (learning outcomes). A qualification, in France, is the result of an assessment, not the result of a formal learning programme, module or curriculum; even if assessment applies to both formal learning and non-formal/informal learning. This philosophy has probably made life easier for the promoters of the VAE system since it is precisely the philosophy behind VAE that what matters is not where, when, how or for how long individuals have learnt but whether they can be successful in an assessment against some predefined standards. Needless to say, this approach has found some resistance, even in France, especially among the key stakeholders in the initial formal education and training system.

By-law or decision (*arrêté*): **third** legal document in order of importance after the law and the decree in the French legislation. It describes a decision that has to be implemented. It can be signed by a minister or by several other competent authorities at different levels of the administration or the political power.

Certification (*certification*): in English, the word “certification” is taken as synonymous for “qualification”. In French, it is a key concept (see Qualification for further explanations). What is interesting to note is that, in French, “certification” designates the final **outcome** (a parchment) as well as the **process** to be awarded the parchment.

Decision or by-law (*arrêté*): see by-law.

Decree (*décret*): see Application Decree.

Formal learning (*apprentissages formels*): learning taking place in formal context, i.e. **completely organised**. Formal learning is structured in terms of scheduling, financing and objectives. Formal learning has clearly spelled out expected learning outcomes and is always intentional.

Formal (*formel*): this is an interesting concept in the context of validation of non-formal and informal learning outcomes because the word formal may apply to both the learning and the validation process. A quick glance at international practices shows that **countries have more or less formal validation of more or less formal learning**.

Werquin (2010a) claims that the formal aspect of learning is a **continuum**, it goes from formal to non-formal and to informal. To a large extent, this is a non-issue as countries, regions, municipalities or companies should define their own terms in order to serve their purposes in the short or medium run. Agreeing on an international definition valid once and for all is probably a waste of time.

However, the more or less formal aspect of the validation process is a key aspect that most policy-makers throughout the world have not realised. And this is a key concept because it provides clear indications of **how far and how much learning outcomes should be validated**. In the case of the awarding of high level qualifications (see Van Kleef and Werquin, 2012, for the case of nurses), the validation has to be very formal – and quality assured typically – whereas in the case of less crucial endeavours, the process can be less formal, and therefore less expensive (a portfolio of competences may suffice for workers wishing to change jobs within their company).

Guidance (*accompagnement*): the word guidance has been chosen in this paper, often together with support, to designate something that is very specific to the French VAE system and that has proven very effective. A literal translation of what the French call “*accompagnement*” would probably be accompaniment but it does not do justice to the concept. The terms guidance and support provide the idea that the applicant is almost **taken by the hand and walked through the system**. Guidance and support are not compulsory in the VAE system but are **highly recommended** (the concept is mentioned in the law) and there is strong evidence that it is a very effective approach for better success rates at the assessment and better use of the achieved qualification later in the labour market (Recotillet et Werquin, 2009).

Informal learning (*apprentissages informels*): everyday learning whatever the context: at home, in the workplace, during voluntary activities or leisure time. It is the learning individuals do by **existing**. Informal learning is never intentional. Whether informal learning leads to a qualification should not be part of the definition since a lot of countries are now trying to validate and recognise the outcomes of informal learning precisely.

Input (no agreeable widely accepted translation in French): it is the opposite of outcomes – as in learning outcomes – in this context. An input-based system designs curricula and assesses applicants for a qualification based on **where, when, how and for how long** they have been studying, not on what they know and can do effectively.

Knowledge, skills and competences (*savoir, savoir-faire et attitudes*): this famous trilogy widely used in Europe due to the work done on the **European Qualifications Framework** (EQF), where there are the three descriptors, is not really used as such in France. First of all, because if competence is taken as knowledge, skills and competences, then competence is a component of itself. Also because "attributes" (*attitudes* in French) is supposed to be a key component of competence. And the list of what competences should be about can be widened: concepts like values and beliefs could easily be considered as natural candidates to enter the definition of competences.

Law (*Loi*): highest level document in the French legislation. A law is voted by the deputies in parliament. In the case of the most recent laws in the field of recognition of non-formal and informal learning outcomes, laws are rather **short and crisp** (one page; See Annex 2). A law provides a vision.

Learn (to) (*apprendre*): see apprenticeship.

Learning (*apprentissages*): see apprenticeship.

Learning outcomes (*acquis d'apprentissage*): it is a rather recent term meant to put the emphasis on what individual learners **have acquired** in their learning process, rather than on when, where, how and for how long they have been learning or studying. It is the opposite of input in this context. It is one of the few examples where the French term (*acquis*) is a lot better than the English one (outcomes). The term "learning outcomes" is sometimes translated in French into "*résultats d'apprentissages*" (learning results) but it is a mistake. The word "*acquis*" is perfect in this context in

French, and some authors and experts have started to use the term “acquired” (as in acquired competence) to mean learning outcome.

Lifelong learning (*apprentissage tout au long de la vie*): given the possible confusion mentioned above (see apprenticeship), the term “*formation tout au long de la vie*” is often used instead of the literal translation “*apprentissage tout au long de la vie*”, but the real term should be “*éducation, instruction et formation tout au long de la vie*” to capture the concept of lifelong learning.

Non-formal learning (*apprentissages non-formels*): learning that is situated **between** formal learning and informal learning. In some countries, non-formal learning is used to designate adult learning. In others, it is the learning that happens as a by-product of some other formal activities (work, education) but that is not directly related with the activity (learning to learn, team work etc.). Non-formal learning could be intentional or not. Whether non-formal learning leads to a qualification should not be part of the definition since a lot of countries are now trying to validate and recognise the outcomes of non-formal learning precisely.

Occupation (*profession*): in this context, the term occupation refers to an activity in the labour market. The French term “*profession*” is misleading in English where the term “profession” also exists but designates some very specific, rather white collar high-skilled, activities in the labour market.

Outcomes: see Learning outcomes.

Qualification (*certification*): the English term qualification translates into “*certification*” in French. In French, “*certification*” means the parchment that is awarded to successful applicants following an assessment process. What is important to note is that the French language also has the word *qualification*, but it means something else. To cut a long story short, the French word *certification* refers to any kind of award that is delivered to people when they meet predefined standards during an assessment process (it can, for example, be a degree in the tertiary education system or a qualification delivered by the VET system). The French word “*qualification*” refers to the ability and the right to do something, and it is therefore highly focused on the labour market, not exclusively but most of the time. In other words, in French, the “*certification*” may be, but is not necessarily, one of the components of the “*qualification*”. A qualification may entail some seniority in the job, it may require a licence to practice, etc. In French, a “*qualification*” is not meant for access in the formal

education and training system. On the contrary, in French, a “*certification*” may not give the right to practice in the labour market but guarantees access to the next levels up in the formal education and training system, wherever it is relevant.

Recognition (*reconnaissance*): recognition applies to the non-formal and informal learning outcomes, as described throughout this paper, but also to qualifications. This discussion is highly relevant to this paper. In a nutshell, there are cases where qualifications are awarded to successful learners – whether in the lifelong formal learning system or in the recognition of non-formal and informal learning outcomes system – without these qualifications being recognised in society, by employers typically or the tertiary education system. Again, this is not specific to the recognition of the non-formal and informal learning outcomes system: there are countries where qualifications awarded in the initial formal education and training system by the Ministry of Education have no currency whatsoever; and a lot less than certificates delivered by vendors such as Oracle, Microsoft or any other international vendor. In the case of recognition of non-formal and informal learning outcomes, this comment is crucial because there is already a glaring lack of confidence and trust in assessment methods used in the validation of non-formal and informal learning outcomes – in France and elsewhere – and, if the qualifications awarded are not trusted, then the recognition of non-formal and informal learning outcomes system may collapse.

Training (*formation professionnelle*): a correct translation in French of the English term “training” is “*formation professionnelle*”. The issue, in French, comes from the fact that the word “formation” alone may mean “vocational education and training” or “academic education” as well, depending on the context. For example, “lifelong learning” is often translated into “*formation tout au long de la vie*”, even if a correct translation would probably be “*apprentissage tout au long de la vie*”, which is ambiguous because “*apprentissage*”, in French, means both “learning” and “apprenticeship” (see apprenticeship).

Validation (*validation*): validation is the key step in the most recent approach to VAE in France. In this context, it is the final step by which the VAE Committee agrees that the applicant has met the predefined standards and can be awarded a partial or full qualification. Werquin (2010a) states that the term recognition is more relevant (see Recognition). There is no confusion due to the language here but rather to the concepts that are not necessarily fully consensual.

The international literature is rather indefinite, at best, and often contradictory. All in all, international definitions are often inconsistent: South Africa must choose the definitions serving its purposes for the short and medium run and accept that these definitions may be revisited if/when the situation evolves. Werquin (2007) concludes that trying to cast definitions in stone is probably a waste of time. In the 70s, for instance, formal learning was for young people in the initial education and training system only; whereas many countries do accept nowadays that formal learning may take place for adults, at the workplace typically.

## **ANNEX 2. MAIN FRENCH LAWS RELEVANT TO VALIDATION AND RECOGNITION OF NON-FORMAL AND INFORMAL LEARNING OUTCOMES**

(The original version, in French, is provided below the English version)

### **Annex 2.1. English. Law N° 84-52 of 26 January 1983 on Tertiary Education**

#### **Part 1: Public Service for Tertiary Education**

##### **Article 5**

The Public Service of Tertiary Education provides education and training opportunities in different fields: scientific, cultural and vocational.

To this end, the Public Service:

- Receives students and assist with their information and guidance;
- Provides initial education and training;
- Contributes to continuous training; and
- Undertakes the training of the teachers and trainers.

Students' guidance involves information about their progress throughout their studies, about the opportunities in the labour market they correspond to and about possible bridges from one study pathway to another.

Continuous training is meant for all individuals whether in the labour force or not. It is organised to address individual or collective needs, including adult learning in adult basic education, as well as vocational education and training sessions or learning with a cultural aim; studies, occupational experiences or personal learning outcomes can be validated, under the conditions described in the Application Decree, for access to the different levels of tertiary education. Studies, occupational experiences or occupational learning outcomes can also be validated by a committee, in the fields and under the conditions defined in the Application Decree of the Council of State, to replace the examinations leading to the awarding of certain vocational degrees or qualifications.

Tertiary teaching is organised in connection with the professional sectors:

- Their representatives participate in the design of programmes in the competent body;
- Practitioners participate in the teaching; and

- Internships can be organised in public or private enterprises or in the public administration as well as alternating dual programmes; in this case, internships must include an appropriate pedagogical monitoring.

The education and training of high-level engineers and managers is provided by schools, institutes, universities and other high-level tertiary establishments. It contains a research activity, whether theoretical or applied. The accreditation to award the title of qualified engineer is granted by the Minister of Education or by the ministers relevant to the field of study after receiving the agreement of the National Commission for the Titles of Engineers set up by the Law of 10 July 1934 on the conditions of awarding of the title of qualified engineer.

The composition of this Commission is set by a Decree of the Council of State; in particular, it is composed of representatives of universities, institutes, schools and other high-level tertiary establishments, as well as professional organisations.

## **Annex 2.1.French.Loi n° 84-52 du 26 janvier 1984 sur l'enseignement supérieur**

### **Titre 1<sup>er</sup> : Le service public de l'enseignement supérieur.**

#### **Article 5**

*Le service public de l'enseignement supérieur offre des formations à la fois scientifiques, culturelles et professionnelles.*

*À cet effet, le service public:*

- *accueille les étudiants et concourt à leur orientation;*
- *dispense la formation initiale;*
- *participe à la formation continue;*
- *assure la formation des formateurs.*

*L'orientation des étudiants comporte une information sur le déroulement des études, sur les débouchés et sur les passages possibles d'une formation à une autre.*

*La formation continue s'adresse à toutes les personnes engagées ou non dans la vie active. Organisée pour répondre à des besoins individuels ou collectifs, elle inclut l'ouverture aux adultes des cycles d'études de formation initiale, ainsi que l'organisation de formations professionnelles ou à caractère culturel particulières ; les études, les expériences professionnelles ou les acquis personnels peuvent être validés, dans des conditions définies par décret, en vue de l'accès aux différents niveaux de l'enseignement supérieur. Les études, les expériences professionnelles ou les acquis professionnels peuvent également être validés par un jury, dans les champs et conditions définis par décret en Conseil d'État, pour remplacer une partie des épreuves conduisant à la délivrance de certains diplômes ou titres professionnels.*

*Les enseignements supérieurs sont organisés en liaison avec les milieux professionnels:*

- *leurs représentants participent à la définition des programmes dans les instances compétentes;*
- *les praticiens contribuent aux enseignements;*
- *des stages peuvent être aménagés dans les entreprises publiques ou privées ou l'administration ainsi que des enseignements par alternance ; dans ce cas, ces stages doivent faire l'objet d'un suivi pédagogique approprié.*

*La formation des ingénieurs et des gestionnaires est assurée par des écoles, des instituts, des universités et des grands établissements. Elle comporte une activité de recherche fondamentale ou appliquée. L'habilitation à délivrer le titre d'ingénieur diplômé est accordée par le ministre de l'éducation nationale ou les ministres concernés après avis de la commission des titres d'ingénieurs instituée par la loi du 10 juillet 1934 relative aux conditions de délivrance et à l'usage du titre d'ingénieur diplômé.*

*La composition de cette commission est fixée par décret en Conseil d'État ; elle comprend notamment une représentation des universités, des instituts, des écoles et des grands établissements ainsi que des organisations professionnelles.*

## **Annex 2.2. English. Law N° 92-678 of 20 July 1992, on VAP The Validation of Occupational Learning Outcomes (VAP) Article 1**

Articles 17 and 5 of the Law N° 84-52 of 26 January 1984 on Tertiary Education are amended as follow:

I. After the second sentence of the second paragraph of Article 17, the following sentence is added:

'Nevertheless, all individuals that had a professional activity for at least five years may request the validation of their occupational learning outcomes, which could be used to justify a fraction of the knowledge and skills demanded for the awarding of a tertiary education degree.'

II. After the fifth paragraph of Article 17, the following sentence is added:

'The validation of occupational learning outcomes defined in the second paragraph is done by a committee, whose members are nominated by the Chancellor of the University or the chairperson/director of any other public tertiary education institution, and which is composed of competent persons in the relevant activities in addition to researchers-teachers and teachers that constitute the majority. The committee assesses the request after considering a portfolio prepared by the applicant. It decides on the tests the applicant is exempted from, as a result of the validation of some or all of the learning outcomes displayed in the portfolio. The validation of occupational learning outcomes produces the same effects as success in the corresponding test(s) for which the applicant has been exempted.'

III. Article 17 is complemented by the following paragraph:

'A Decree of the Council of State defines the conditions under which occupational learning outcomes are accepted for the validation mentioned in the second paragraph and the conditions under which the committee will be composed and will be able to award the exemptions referred to in the sixth paragraph.'

IV. The fourth paragraph of Article 5 is complemented by the following sentence:

'Studies, occupational experiences or the occupational learning outcomes can also be validated by a committee, in the field and under the conditions defined by Decree of the Council of State, in order to replace a fraction of the test(s) leading to the awarding of certain degrees or professional titles.'

**Article 2**

Article 8 of the Law N° 71-577 of 16 July 1971 on Information and Guidance in Technological Education is amended as follow:

I. The first paragraph is replaced by four paragraphs as followed:

'Titles and qualifications of technological education are achieved through schooling and university education, through apprenticeship or continuous vocational training or through validation of occupational learning outcomes to replace a fraction of the tests.

All individuals that had an occupational activity for at least five years in a field relevant to their request can apply for the validation of their occupational learning outcomes, which could be used to justify a fraction of the knowledge and skills demanded for the awarding of a technological education qualification.

The validation of occupational learning outcomes defined in the previous paragraph is done by a committee that is composed of competent persons in the relevant activities in addition to researchers-teachers and teachers that constitute the majority. The committee assesses the request after considering a portfolio prepared by the applicant. It decides on the tests the applicant is exempted from, as a result of the validation of some or all of the learning outcomes displayed in the portfolio.

The validation of occupational learning outcomes produces the same effects as success in the corresponding test(s) for which the applicant has been exempted.'

II. A last paragraph is added as follows:

'A Decree of the Council of State defined the conditions under which the occupational learning outcomes are accepted for the validation mentioned in the first paragraph, and in particular the conditions under which the committee is composed and can decide on the tests mentioned in the third paragraph.'

## **Annex 2.2.French.Loi n° 92-678 du 20 juillet 1992, relative à la VAP**

### **Validation des acquis professionnels**

#### **Article 1<sup>er</sup>**

*Les articles 17 et 5 de la loi no 84-52 du 26 janvier 1984 sur l'enseignement supérieur sont ainsi modifiés :*

*I. Après la deuxième phrase du deuxième alinéa de l'article 17, il est inséré une phrase ainsi rédigée:*

*'Toutefois, toute personne qui a exercé pendant cinq ans une activité professionnelle peut demander la validation d'acquis professionnels qui pourront être pris en compte pour justifier d'une partie des connaissances et des aptitudes exigées pour l'obtention d'un diplôme de l'enseignement supérieur.'*

*II. Après le cinquième alinéa de l'article 17, il est inséré un alinéa ainsi rédigé:*

*'La validation des acquis professionnels prévue au deuxième alinéa est effectuée par un jury dont les membres sont désignés par le président de l'université ou le président ou le directeur d'un autre établissement public d'enseignement supérieur et qui comprend, outre les enseignants-chercheurs et enseignants qui en constituent la majorité, des personnes compétentes dans les activités concernées. Le jury apprécie la demande au vu d'un dossier constitué par le candidat. Il détermine les épreuves dont le candidat est dispensé pour tenir compte des acquis ainsi validés. La validation d'acquis professionnels produit les mêmes effets que le succès à l'épreuve dont le candidat a été dispensé.'*

*III. L'article 17 est complété par un alinéa ainsi rédigé:*

*'Un décret en Conseil d'État détermine les conditions dans lesquelles sont pris en compte les acquis professionnels pour la validation mentionnée au deuxième alinéa et les conditions dans lesquelles le jury sera constitué et pourra accorder les dispenses prévues au sixième alinéa.'*

*IV. Le quatrième alinéa de l'article 5 est complété par une phrase ainsi rédigée:*

*'Les études, les expériences professionnelles ou les acquis professionnels peuvent également être validés par un jury, dans les champs et conditions définis par décret en Conseil d'État, pour remplacer une partie des épreuves conduisant à la délivrance de certains diplômes ou titres professionnels.'*

**Article 2**

*L'article 8 de la loi no 71-577 du 16 juillet 1971 d'orientation sur l'enseignement technologique est ainsi modifié:*

*I. Le premier alinéa est remplacé par quatre alinéas ainsi rédigés:*

*'Les titres ou diplômes de l'enseignement technologique sont acquis par les voies scolaires et universitaires, par l'apprentissage ou la formation professionnelle continue ou par la validation d'acquis professionnels pour remplacer une partie des épreuves.*

*Toute personne qui a exercé pendant cinq ans une activité professionnelle en rapport avec l'objet de sa demande peut demander la validation d'acquis professionnels qui pourront être pris en compte pour justifier d'une partie des connaissances et des aptitudes exigées pour l'obtention d'un diplôme de l'enseignement technologique.*

*La validation des acquis professionnels prévue à l'alinéa précédent est effectuée par un jury qui comprend, outre les enseignants-chercheurs ou les enseignants qui en constituent la majorité, des personnes compétentes dans les activités concernées. Le jury apprécie la demande au vu d'un dossier constitué par le candidat. Il détermine les épreuves dont le candidat est dispensé pour tenir compte des acquis ainsi validés.*

*La validation d'acquis professionnels produit les mêmes effets que le succès à l'épreuve dont le candidat a été dispensé.'*

*II. Il est ajouté un dernier alinéa ainsi rédigé:*

*'Un décret en Conseil d'État détermine les conditions dans lesquelles sont pris en compte les acquis professionnels pour la validation mentionnée au premier alinéa et notamment les conditions dans lesquelles le jury est constitué et peut déterminer les épreuves prévues au troisième alinéa.'*

## **Annex 2.3. English. Law 2002-73 of 17 January 2002 on VAE**

### **Chapter II, Section I: Validation of Experiential Learning Outcomes (VAE)**

#### **Article 133**

The Article L. 900-1 of the Labour Law Book is complemented by the following paragraph:

'All individuals participating in the labour force have the right to have their experiential learning outcomes validated, especially occupational learning outcomes, with the aim of being awarded a qualification, a vocational qualification or a certificate listed on a list established by the National Joint Committee of any occupational sector registered with the National Directory of Vocational Qualification (RNCP) defined in Article L. 335-6 of the Education Law Book. Applicants that are wage earners qualify for a leave of absence for the purpose of validating their experiential learning outcomes under the conditions defined in Article L. 931-22 and according to the modalities defined in the Articles L. 931-23, L. 931-25 and L. 931-26 as well as the first and second paragraphs of the Article L. 931-24. The conditions of implementation of these arrangements are set by Decree of the Council of State.'

#### **Article 134**

The Articles L. 335-5 and L.335-6 of the Labour Law Book are written as follows:

Article L. 335-5.

'I. Vocational qualifications and titles can be achieved through the academic track (schooling system and university), apprenticeship, continuous vocational training or, for all or part of it, through validation of experiential learning outcomes.

The validation of learning outcomes produces the same effects as other methods for the assessment of knowledge and skills.

All the vocational competences acquired in the context of an activity, whether as wage earner, self-employed or volunteer, can be considered for validation. The demanded minimal duration of such activities cannot be less than three years.

The validation is done by a committee whose composition guarantees a significant presence of authorised representatives of the relevant occupations.

The committee may award the full qualification or title. If not, the committee provides elements on the scope of the validation and, in case of partial validation, provides elements on the nature of the knowledge and skills demanding a new assessment.

The committee makes a decision based on a portfolio prepared by the applicant, possibly after an interview that can be requested by either the committee or the applicant and, if necessary, after an assessment on site with an observation or a simulation approach, when this method is accepted by the authority that awards the qualification.

A Decree of the Council of State defines the conditions of implementation of the arrangements in the third and fourth paragraphs, especially the rules according to which the committee is composed. This composition contributes to a good gender balance. It also decides on the conditions under which the rules defined in the first paragraph can be ignored, because of the nature of the qualifications or titles or because of the ways the relevant occupations are operating. The committee decides on the additional assessments defined in the fifth paragraph.'

'II. The committee in charge of awarding a vocational qualification or title on behalf of the state or public establishments having an education and training mission can exempt the applicant wishing to be awarded titles or qualifications required for its preparation. This exemption must be based on the vocational competences acquired by the applicant.'

#### Article L. 335-6

'I. Vocational qualifications and titles awarded on behalf of the state are created by Decree and organised by Decision of the competent ministers, after consulting with advisory bodies involving employers and worker representative organisations if they exist, without prejudice to the arrangements of Articles L. 331-1, L. 335-14, L. 613-1, L. 641-4 and L. 641-5 of this document and Articles L. 811-2 and L. 813-2 of the Rural Law Book.'

'II. A National Directory of Vocational Qualifications is created. Vocational qualifications and titles are classified by field of activity and level.

Vocational qualifications and titles, as well as skills certificates registered on a list established by the National Joint Committee for Employment of any occupational sector, may be registered on the National Directory of Vocational Qualifications, by Decree of the Prime Minister, upon request of the bodies having created them and after consulting with the National Commission of Vocational Qualifications.

Those awarded on behalf of the state after consulting with advisory bodies involving employers and worker representative organisations are registered in law in this directory.

The National Commission of Vocational Qualifications, which reports to the Prime Minister, establishes and updates the National Directory of Vocational Qualifications. It is responsible for the renewal and the adaptation of the qualifications and titles to cope with the evolution of skills over time and the organisation of the work.

It provides recommendations for the attention of bodies awarding qualifications, vocational titles or skills certificates registered on a list established by the National Joint Committee for Employment in any occupational sector; with the aim of providing information and guidance to the individuals and enterprises; in particular it signals to them the potential connections, complete or partial, among the registered qualifications of the National Directory, as well as the potential connections between the qualifications registered in the National Directory and other qualifications, in particular European ones.

A Decree of the Council of State lays down the conditions under which the qualifications and titles are registered in the National Directory as well as the composition and the roles of the commission.'

'III. Titles and qualifications registered on the agreement list defined by the current relevant regulation at the date of the enactment of this law are registered in law in the National Directory of Vocational Qualifications defined in Article L. 335-6 of the Education Law Book for the remaining duration of validity under this regulation.'

**Annex 2.3.French. Loi 2002-73 du 17 janvier 2002 sur la VAE**  
**Chapitre II Section 1 : Validation des acquis de l'expérience**  
**Article 133**

*L'article L. 900-1 du code du travail est complété par un alinéa ainsi rédigé :*

*'Toute personne engagée dans la vie active est en droit de faire valider les acquis de son expérience, notamment professionnelle, en vue de l'acquisition d'un diplôme, d'un titre à finalité professionnelle ou d'un certificat de qualification figurant sur une liste établie par la commission paritaire nationale de l'emploi d'une branche professionnelle, enregistrés dans le répertoire national des certifications professionnelles visé à l'article L. 335-6 du code de l'éducation. Lorsque la personne en cause est salariée, elle peut bénéficier d'un congé pour validation des acquis de l'expérience dans les conditions de durée prévues à l'article L. 931-22 et selon les modalités fixées aux articles L. 931-23, L. 931-25 et L. 931-26 ainsi qu'aux premier et deuxième alinéas de l'article L. 931-24. Les conditions d'application de ces dispositions sont fixées par décret en Conseil d'État.'*

**Article 134**

*I. Les articles L. 335-5 et L. 335-6 du code de l'éducation sont ainsi rédigés :*

*Article L. 335-5.*

*'I. Les diplômes ou les titres à finalité professionnelle sont obtenus par les voies scolaire et universitaire, par l'apprentissage, par la formation professionnelle continue ou, en tout ou en partie, par la validation des acquis de l'expérience.*

*La validation des acquis produit les mêmes effets que les autres modes de contrôle des connaissances et aptitudes.*

*Peuvent être prises en compte, au titre de la validation, l'ensemble des compétences professionnelles acquises dans l'exercice d'une activité salariée, non salariée ou bénévole, en rapport direct avec le contenu du diplôme ou du titre. La durée minimale d'activité requise ne peut être inférieure à trois ans.*

*La validation est effectuée par un jury dont la composition garantit une présence significative de représentants qualifiés des professions concernées.*

*Le jury peut attribuer la totalité du diplôme ou du titre. À défaut, il se prononce sur l'étendue de la validation et, en cas de validation partielle, sur la nature des connaissances et aptitudes devant faire l'objet d'un contrôle complémentaire.*

*Le jury se prononce au vu d'un dossier constitué par le candidat, à l'issue d'un entretien à son initiative ou à l'initiative du candidat et, le cas échéant, d'une mise en situation professionnelle réelle ou reconstituée, lorsque cette procédure est prévue par l'autorité qui délivre la certification.*

*Un décret en Conseil d'État détermine les conditions d'application des dispositions des troisième et quatrième alinéas, notamment les règles selon lesquelles le jury est constitué. Cette composition concourt à une représentation équilibrée entre les femmes et les hommes. Il détermine également les conditions dans lesquelles il peut être dérogé aux dispositions du premier alinéa, pour des raisons tenant à la nature des diplômes ou titres en cause ou aux conditions d'exercice des professions auxquelles ils permettent d'accéder. Le jury fixe les contrôles complémentaires prévus au cinquième alinéa.'*

*'II. Le jury d'un diplôme ou d'un titre à finalité professionnelle délivré au nom de l'État ou par des établissements publics ayant une mission de formation peut dispenser un candidat désirant l'acquérir des titres ou diplômes requis pour le préparer. Cette dispense doit se fonder sur les compétences professionnelles acquises par le candidat.'*

*Article L. 335-6.*

*'I. Les diplômes et titres à finalité professionnelle délivrés au nom de l'État sont créés par décret et organisés par arrêté des ministres compétents, après avis d'instances consultatives associant les organisations représentatives d'employeurs et de salariés quand elles existent, sans préjudice des dispositions des articles L. 331-1, L. 335-14, L. 613-1, L. 641-4 et L. 641-5 du présent code et L. 811-2 et L. 813-2 du code rural.*

*II. Il est créé un répertoire national des certifications professionnelles. Les diplômes et les titres à finalité professionnelle y sont classés par domaine d'activité et par niveau.*

*Les diplômes et titres à finalité professionnelle, ainsi que les certificats de qualification figurant sur une liste établie par la commission paritaire nationale de l'emploi d'une branche professionnelle, peuvent y être enregistrés, par arrêté du Premier ministre, à la demande des organismes les ayant créés et après avis de la Commission nationale de la certification professionnelle.*

*Ceux qui sont délivrés au nom de l'État et créés après avis d'instances consultatives associant les organisations représentatives d'employeurs et de salariés sont enregistrés de droit dans ce répertoire.*

*La Commission nationale de la certification professionnelle, placée auprès du Premier ministre, établit et actualise le répertoire national des certifications professionnelles. Elle veille au renouvellement et à l'adaptation des diplômes et titres à l'évolution des qualifications et de l'organisation du travail.*

*Elle émet des recommandations à l'attention des institutions délivrant des diplômes, des titres à finalité professionnelle ou des certificats de qualification figurant sur une liste établie par la commission paritaire nationale de l'emploi d'une branche professionnelle ; en vue d'assurer l'information des particuliers et des entreprises, elle leur signale notamment les éventuelles correspondances totales ou partielles entre les certifications enregistrées dans le répertoire national, ainsi qu'entre ces dernières et d'autres certifications, notamment européennes.*

*Un décret en Conseil d'État détermine les conditions d'enregistrement des diplômes et titres dans le répertoire national ainsi que la composition et les attributions de la commission.*

*III. Les titres ou diplômes inscrits sur la liste d'homologation prévue par la réglementation en vigueur à la date de promulgation de la présente loi sont enregistrés de droit dans le répertoire national des certifications professionnelles prévu à l'article L. 335-6 du code de l'éducation pour leur durée restante de validité au titre de ladite réglementation.'*

## **Annex 2.4. English. Law N° 2004-809 of 13 August 2004 on Local Autonomy and Responsibilities (1)**

NOR: INTX0300078L CHAPITRE III

### **Vocational Education and Training**

#### **Article 8**

I. Article L. 214-12 of the Education Law Book is written as follows:

'Article L. 214-12. The regional government defines and implements the regional policy for apprenticeship and vocational education and training of young people and adults seeking a job or occupational mobility.

It organises, in its territory, the network of centres and information/guidance points on the Validation of Experiential Learning Outcomes (VAE) and contributes to assist the applicants through the VAE process.

It organises actions meant to respond to apprenticeship and learning. It ensures in particular that formal learning activities are organised for achieving one of the qualifications referred to in Article L. 900-3 of the Labour Law Book.

It ensures the reception of the learners living in its territory, or in another region if the chosen learning activity is not available. In the latter case, an agreement between the parties sets the conditions under which the learning activity can be supported by the regions involved.'

**Annex 2.4. French. Loi n° 2004-809 du 13 août 2004  
relative aux libertés et responsabilités locales (1)**

NOR : INTX0300078L CHAPITRE III

**La formation professionnelle**

**Article 8**

*I. L'article L. 214-12 du code de l'éducation est ainsi rédigé :*

*'Art. L. 214-12. La région définit et met en oeuvre la politique régionale d'apprentissage et de formation professionnelle des jeunes et des adultes à la recherche d'un emploi ou d'une nouvelle orientation professionnelle.*

*Elle organise sur son territoire le réseau des centres et points d'information et de conseil sur la validation des acquis de l'expérience et contribue à assurer l'assistance aux candidats à la validation des acquis de l'expérience.*

*Elle organise des actions destinées à répondre aux besoins d'apprentissage et de formation. Elle veille en particulier à organiser des formations permettant d'acquérir une des qualifications mentionnées à l'article L. 900-3 du code du travail.*

*Elle assure l'accueil en formation de la population résidant sur son territoire, ou dans une autre région si la formation désirée n'y est pas accessible. Dans ce dernier cas, une convention fixe les conditions de prise en charge de la formation par les régions concernées.'*

## **Annex 2.5. English. Law N° 2009-1437 of 24 November 2009 on Lifelong Information and Guidance and Lifelong Vocational Education and Training**

NOR: ECEX0908316L

### **Article 21**

Article L. 2241-6 of the Labour Law Book is complemented by the following paragraphs:

'The negotiation on the validation of experiential learning outcomes referred to in the preceding paragraph covers:

1° The arrangements for informing enterprises and employees on the activities for validating experiential learning outcomes implemented with the aim of awarding a qualification;

2° The conditions that foster access of employees, in a collective or individual approach, to the validation of experiential learning outcomes; and

3° The supporting arrangements, by accredited fund collecting and distributing agencies run jointly by employers and unions, for the expenses related to the participation of an employee as assessor in an examination or to a committee for assessing applicants to validation of experiential learning outcomes.'

**Annex 2.5.French.Loi n° 2009-1437 du 24 novembre 2009  
relative à l'orientation et à la formation professionnelle tout au long de la  
vie (1)**

NOR: ECEX0908316L

**Article 21**

*L'article L. 2241-6 du code du travail est complété par quatre alinéas ainsi rédigés:*

*'La négociation sur la validation des acquis de l'expérience visée à l'alinéa précédent porte sur :*

*1° Les modalités d'information des entreprises et des salariés sur les actions de validation des acquis de l'expérience mises en œuvre en vue de l'obtention d'une qualification*

*2° Les conditions propres à favoriser l'accès des salariés, dans un cadre collectif ou individuel, à la validation des acquis de l'expérience ;*

*3° Les modalités de prise en charge par les organismes collecteurs paritaires agréés des dépenses afférentes à la participation d'un salarié à un jury d'examen ou de validation des acquis de l'expérience.'*



# The involvement of Sector Education and Training Authorities in the recognition of prior learning

*Loffie Naudé based on research conducted by Burton Malgas*

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## INTRODUCTION

The National RPL Conference held in February 2011 and hosted by SAQA represents a systemic move towards an RPL system in the country. The RPL conference show-cased research done on RPL in the past 10 years, and draws on successful attempts to implement RPL in various sectors. Although the RPL conference was a demonstration of pockets of successes amongst challenges experienced, impetus was gained to broaden the bases for success and to take further the country's skills development agenda. Together with other role-players, SETAs are seen as vital mechanisms to implement RPL in terms of redress and access and to develop skills to meet the needs of the country. Documented information was required to determine to what extent SETAs are involved in RPL; what has been done to implement RPL; and what challenges have been experienced. To get answers to these issues and an indication of a possible way forward, the Ministerial RPL Task Team commissioned research with support from SAQA into the extent SETAs are involved in RPL implementation.

This abbreviated report provides an analysis of the information provided and a synthesis of the most important aspects discussed in the Research Report. These are concluded by recommendations for the short, medium and long term. The recommendations include the sustained development of an RPL system, establishment of RPL centres, a simplified approach to RPL and capacity building of all involved in RPL.

## BACKGROUND

It is widely known that South Africa has adopted RPL as a means to support transformation of the education and training system of the country. Since 2002, SAQA has launched a number of initiatives to ensure that the development and implementation of RPL explicitly addresses the visible and invisible barriers to learning and assessment. SAQA put in place a RPL policy in 2002: *The Recognition of Prior Learning in the context of the South African National Qualifications Framework* (SAQA 2002) and in 2004 criteria for implementation of RPL: *Criteria and Guidelines for the Implementation of the Recognition of Prior Learning* (SAQA 2004). Based on these initiatives, firstly sectors have engaged over the years with RPL to find ways to contextualise RPL within their

sectors; and secondly, systemic issues surfaced through the implementation of RPL which signalled the need for an RPL system.

The RPL conference *Bridging and expanding existing islands of excellent practice* (23-25 February 2011) was part of the move towards a fully-fledged RPL system in the country. This move includes firstly, SAQA's development in collaboration with the Quality Councils, of national policy for assessment, RPL and Credit Accumulation and Transfer (CAT). Related work includes taking into account information and contributions such as those made at this conference and by the education and training sector at large. The move comprises secondly, sharing RPL-related information relating to the resourcing, effective delivery and quality assurance of RPL. This information is obtained through the conducting and coordinating of RPL-related research across the country, hosting networking opportunities such as the national conference and encouraging and supporting the development of other related networks and networking devices. A third component of the work towards a national RPL system is the NQF and Career Advice Helpline – a service provided by SAQA whereby anyone can phone in with queries relating to the education and training system, and receive assistance. The Ministry of Higher Education and Training has set-up a Ministerial RPL Task Team to investigate systemic issues and suggest a way forward to the Minister (SAQA 2011).

Apart from a systemic movement towards an RPL system in the country, the RPL conference also showcased research done on RPL over a number of years as well as successful attempts to implement RPL in various sectors. Although the RPL conference was a demonstration of pockets of successes amongst challenges experienced, partnerships were required to broaden the bases for success and to take further the country's skills development agenda (SAQA 2011). Together with other role-players, SETAs are seen as vital mechanisms to implement RPL in terms of redress and access and to develop skills to meet the needs of the country.

Documented information was required to determine to what extent SETAs are involved in RPL; what has been done to implement RPL; and what challenges have been experienced. Research could provide information on how SETAs have contributed to the implementation of RPL and a possible way forward in terms of the establishment of an RPL system.

To get answers to these issues and an indication of a possible way forward, the Ministerial RPL Task Team commissioned research with support from SAQA into the extent SETAs are involved in RPL implementation.

## RESEARCH METHOD

As part of the research process, a questionnaire was drafted by the Ministerial RPL Task Team in order to elicit information on RPL from all 21 SETAs and to make recommendations for improved implementation of RPL within SETAs. The questionnaire covered the following areas:

- RPL policy;
- Implementation;
- Credits awarded;
- Experience in implementation;
- Systemic problems and obstacles identified;
- RPL funding; and
- Recommendations on RPL implementation strategy and action plans.

There was a 100% response from SETAs and these responses were collated and analysed and form the basis of the Research Report. The research used both quantitative and qualitative data collection approaches. A quantitative research method in the form of a structured questionnaire was used. The structured format has the advantage of requiring all the respondents to answer within the same framework (Vockell 1989). The researcher set up appointments with senior managers, researchers and RPL officials at SETAs within Education and Training Quality Assurance (ETQA) sections and with other relevant managers to get relevant data on the RPL practices of each of the SETAs.

The qualitative research interview sought to describe the meanings of central themes in the life-world of the interviewees. The main task of the interview process was to capture information and interpretations of interviewees (Kvale 1996). Interviews were conducted with all 21 SETAs, targeting chief executive officers, ETQA managers and senior staff. The researcher used the questionnaire which was developed by the Ministerial RPL Task Team. Responses of participants were captured manually. Questionnaires were sent back to respondents to enable respondents to clarify and verify information they had provided. In this way, accuracy and validity of information was ensured as far as possible.

The report highlights the following:

- The extent to which SETAs' RPL relates to accreditation;
- The various stages of RPL within SETAs;
- The number of qualifications and unit standards learners have achieved through RPL within various NQF levels;
- The budgets for RPL over a five-year period;
- Problems experienced in implementation; and
- Recommendations for future RPL implementation.

To enable reading in a concise manner, the abbreviated report represents an analysis of the information provided in the Research Report and provides a synthesis of the most important aspects discussed in the Research Report. The information provided by the Research Report is presented as *Part One* and *Part Two*. *Part One* represents the findings on RPL policy and policy implementation covering six areas as indicated in the Research Report. The narrative on each of the areas provides key information with trends which synthesise information from pages eight to 37. *Part Two* consists of recommendations made.

## **PART ONE: RPL POLICY AND ITS IMPLEMENTATION**

### ***RPL policy***

Each SETA should have an RPL policy as it is part of the criteria to be accredited as an ETQA body (SAQA 2001). The question is to what extent implementation has been done and what kind of challenges have been experienced?

The information provided shows the following trends:

- SETAs implemented an RPL policy that is based on SAQA's RPL Policy of 2002. As expected, their understanding of RPL reflects RPL mainly as an assessment practice as indicated in the 2002 RPL policy (SAQA 2002);
- RPL policies are organised in three ways: (i) as part of the Assessment Policy (six SETAs); (ii) as stand-alone policies (14 SETAs); and (iii) delegated to Quality Assurance Partners (QAP) in the case of the Finance, Accounting, Management Consulting and other Financial Services SETA (FASSET) (indicated in the report as not having an RPL policy);
- Four SETAs do not include RPL policy implementation as part of their accreditation criteria; and
- The main types of RPL assessment that are being used include Portfolio of Evidence assessments and observations (on the job) and assessments (practical).

### ***Status of RPL implementation***

The responses of the SETAs indicated variations in the status of implementation. A total of 16 SETAs indicated that they have implemented RPL in their sector. Of these, at least eight SETAs are involved in researching RPL practices.

There are two trends emanating from the data:

- There is a high concentration of RPL implementation in sectors where there have been legislative changes and these changes have resulted in practitioners being

required to have a particular skills programme (part-qualification) or a qualification in order to be recognised as a practitioner in their respective fields (Banking SETA [BANKSETA] and Insurance SETA [INSETA] regarding the Financial Advisory and Intermediary Services Act [FAIS] and Services SETA regarding Estate Agents); and

- SETAs were driven by the need for the development of artisans within their particular sectors.

### ***The number of qualifications and unit standards awarded through RPL***

The SETAs reported a total of 53 843 candidates that have been awarded either part-qualifications or qualifications. It is expected that the above two trends pertaining to the implementation of RPL are reflected to a certain extent by the number of candidates involved in RPL practices. Although INSETA and BANKSETA reported 38 586 candidates, Services SETA reported only 948 candidates, which is very low when compared to research done in this sector. Construction SETA (CETA) reported a total of 5 932 candidates and Agriculture SETA (AGRISETA) a total of 1 183; Chemical Industries SETA (CHIETA) a total of 2 376; Health and Welfare SETA (HWSETA) 1 200; and Manufacturing, Engineering and Related Services SETA (merSETA) 1 406 candidates. The other SETAs provided a RPL service to a small number of candidates.

There are three trends emanating from the data:

- The majority of candidates followed a RPL process measuring knowledge and skills against NQF Levels 4 and 5 part-qualifications and qualifications;
- A maximum number of 3 848 candidates participated in RPL on NQF Levels 1 and 2 (a maximum number is provided as some SETAs did not specify a particular level but indicated NQF Levels 1-4); and
- Statistical reporting does not meet requirements for the recording of data.

### ***Financial support to RPL processes***

16 SETAs provided financial support for RPL practices. It was reported that within the five-year period, between 2008 and 2012, a total of R141 855 894 had been allocated to RPL. The BANKSETA with R7 570 226 (2010-2012); INSETA with R4 713 082 (period not indicated); Services SETA with R40 467 000 (period not indicated); merSETA with R20 432 500; and CETA with a total of R50 000 000 (period not indicated) are the SETAs which allocated the largest amounts to RPL practices. The table below provides the actual amounts as provided by the SETAs:

Name of SETA	2008	2009	2010	2011	2012	Total budget allocated for RPL
AGRISETA	-	-	-	-	-	R3 000 000 <sup>36</sup>
BANKSETA	-	-	R828 210	R2 242 016	R4 500 000	R7 570 226
CATHSSETA	-	-	R387 943	-	R112 057	R450 000
CETA	-	-	-	-	-	R50 000 000 <sup>37</sup>
CHIETA	-	-	-	-	R500 000	R500 000
ETDP-SETA	-	-	R270 000	-	R230 000	R500 000
EWSETA	-	-	-	-	-	Nil
FASSET	-	-	-	-	-	Nil
FOODBEVSETA	-	-	-	-	-	Not specified
FPM	-	R1 950 000	-	R50 000	-	R2 000 000
HWSETA	R2 500 000	-	-	-	-	R2 500 000
INSETA	-	-	-	-	-	R4 713 082
LGSETA	-	-	-	-	-	Nil
MERSETA	-	-	R20 432 500	-	-	R20 432 500
MICT	-	-	-	-	-	Nil
MQA	R250 000	R200 000	-	R10 000	R990 000	R1 450 000
PSETA	-	-	-	R626 667	-	R626 666
SASSETA <sup>38</sup>	-	-	-	-	-	R966 720
SERVICES SETA	-	-	-	-	-	R40 467 000
TETA	R1 500 000	-	R1 000 000	-	R 1 400 000	R3 900 000
W&RSETA	-	-	-	R2 779 700	-	R2 779 700
Total						R141 855 894

<sup>36</sup> The amounts indicated do not reflect years of budget as it is not available at this time.

<sup>37</sup> This amount was for 2003 financial year and was included as a matter of record.

<sup>38</sup> There is outstanding information from SASSETA.

The trends are:

- SETAs which responded to legislative requirements (FAIS and Estate Agents) and artisan development (merSETA and CETA) made finances available to support RPL processes; and
- In sectors where there was no legislative compliance required or national drive, SETAs implemented RPL on a small scale with corresponding financial support.

### ***Systemic problems and obstacles in the implementation of RPL***

The investigation into RPL practices at SETAs highlighted several important areas that pose a challenge to successful RPL implementation and taking RPL to scale in future. The areas that pose a challenge are coded in terms of quality, learner support, systemic approach, advocacy and sustainability. Each of these is discussed below.

#### Quality

The report suggested that the quality of training by FET institutions does not support RPL processes. SETAs reported that there are no standard operational procedures to guide assessors and moderators through the RPL process. In the absence of contextualised tools for each sector, providers find it difficult to conduct and understand the implementation procedures of RPL. This lack of guiding procedures is manifested in weak monitoring procedures of RPL processes. These weaknesses in the system emphasise the need for the establishment of RPL centres in sectors.

#### Learner support

Closely related to the lack of provider quality, SETAs indicated that there is not enough experienced staff to perform RPL successfully. Assessors and moderators do not have the required confidence to guide and support candidates through the RPL process up to completion. One of the reasons indicated was the language difference between the workplace and academia. There is a lack of capacity to translate workplace knowledge into academic knowledge and make academic knowledge accessible to candidates not used to academic language.

#### Systemic approach

One of the important indicators of success is the extent to which a system could develop coherence amongst its elements. SETAs reported that (i) some providers implement RPL by developing their own separate systems and therefore not following national RPL policy and policies prescribed by the SETAs; and (ii) that some professional bodies (FASSET sector) do not accept an RPL model outside of a narrow defined assessment process, ignoring other important aspects that are part of the RPL process.

Apart from systemic challenges in terms of meeting requirements set by the SETAs, RPL practices in terms of the trades provide some challenges as well. In line with the Manpower Training Act 56 of 1981, the system differentiates between Section 13 and Section 28 candidates with regard to writing a trade test. Section 13 candidates enter into a formal apprenticeship contract with an employer, attend formalised institutional training, work as an apprentice in a workplace, and are coached by an experienced staff member, after which the candidate writes a trade test. Section 28 candidates have workplace experience deemed to be equal to that of an apprentice, and are allowed to write the trade test. Although Section 13 and Section 28 trade tests are identical, the fundamental difference is that while one candidate signed a contract and did formalised training, the other candidate acquired skills and knowledge over time. The problem identified is that industry does not trust Section 28 candidates as they are of the opinion that Section 28 candidates do not have foundational knowledge of the trade and would not be in a position to apply their limited knowledge in challenging situations.

#### Advocacy

A system cannot operate optimally without some form of common language and understanding of the system. The SETAs reported that there are major misunderstandings in their sectors with regard to RPL. Candidates have high but unrealistic expectations of RPL and see it as a “quick fix” for their educational aspirations. Some industries hesitate to embark on RPL processes as RPL has received a bad reputation which is based on (i) candidate experiences; (ii) workplace experiences; and (iii) complexity of the process. Sometimes workplaces discriminate against staff members who are qualified through RPL. The core problem indicated is a lack of communication to providers and workplaces to provide clear information on RPL - what it realistically can and cannot do for candidates.

#### Sustainability

Sustainability is one of the core elements of a system. SETAs reported that from a provider perspective, RPL is a costly exercise demanding adequate staffing, work hours and other resources to support candidates. Implementation of RPL in the workplace is seen as too cumbersome a process and too expensive for the employer

## **PART TWO: RECOMMENDATIONS**

The research required SETAs to give recommendations on RPL implementation strategy and action plans for the immediate, medium and long term. SETAs gave various recommendations and these can be summarised as follows:

### **1. Recommendations for the immediate future**

The most important recommendations from SETAs for immediate implementation are:

- 1.1 The need for advocacy and to create awareness of RPL including among learners, workers and workplaces. It must be “declared” on a national platform;
- 1.2 The need for building RPL capacity on all levels of the system;
- 1.3 There must be a strategy to record and report on learners coming through the RPL system;
- 1.4 RPL should be cost effective for learners;
- 1.5 Guidelines should be developed for the setting up, accreditation and running of RPL centres;
- 1.6 RPL practices in general but learner support in particular should be quality assured and monitored; and
- 1.7 RPL methods and models need to be developed.

### **2. Recommendations for the medium term**

There is currently no standard approach to RPL and there is a need to set this at national level. A revised national policy and implementation process should be developed in order to create a coherent and synergised system of implementation.

The following suggestions have been made:

- 2.1 Establishment of RPL centres;
- 2.2 Introducing RPL at FET colleges, separating theory from practical. A priority should be given to the rural areas;
- 2.3 There should be a simplified approach to RPL. There is a need to develop a RPL framework for each sector (e.g. artisans) including a unified model for funding and administration of RPL;
- 2.4 Employers need to be made aware that they need to release workers to do training. Once the workers are qualified, they will have to be paid more;
- 2.5 RPL in terms of occupationally-directed learning (NQF 2-4) should be more naturally occurring – equivalent to methodology used for awarding of honorary doctorates, especially for workers with over 20 years' experience. The compilation of portfolios, interviews, assignments, etc. must be encouraged, which would indicate a move away from formal assessments;
- 2.6 There is a need for research to be done to clearly guide RPL. There is no clear overarching common understanding of what is acceptable and what is not within RPL;

- 2.7 There is a need to introduce capacity building of assessors and moderators, and for the design of RPL assessment instruments for these assessors and moderators;
- 2.8 A RPL map series and software need to be developed. There is a need to engage other countries to draw on best practice models;
- 2.9 Emphasis should be on mainstreaming RPL; and
- 2.10 There is a need to audit current practices to determine the extent and depth of RPL delivery within the various constituencies. Appropriate assessment instruments and tools are critical to ensure the credibility of the assessments, and the integrity of the system.

### **3. Recommendations for the long term**

The following long-term recommendations were made by various SETAs:

- 3.1 RPL must be recognised as an equivalent means to any pathway of learning. There needs to be a change in the perception and attitudes of people towards RPL;
- 3.2 RPL processes need to be evaluated and an impact analysis against recorded numbers, processes and practices need to be performed;
- 3.3 The RPL system needs to be developed in a sustainable manner including infrastructure and the capacity building of RPL advisors and other staff involved in RPL practices; and
- 3.4 Develop and maintain tracer studies to monitor the development of RPL and to make recommendations ensuring the strengthening of RPL in all sectors.

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# **Analysis of the update of the recognition of prior learning**

*Molatelo Tloubatla, Matthews Phenya and Yvonne Shapiro*

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## **INTRODUCTION**

Since its inception, South Africa's NQF has made provision for the achievement of qualifications and part-qualifications through RPL, and some of the SETAs, as well as the Council on Higher Education (CHE), via two private higher providers, have made extensive use of this provision. Their records have been loaded onto the NLRD. Several other institutions, including some of the public universities, are known to implement RPL, but their records have not yet been submitted to SAQA for loading onto the NLRD.

The RPL records that are currently on the NLRD are analysed here. The analysis focuses on the achievement of qualifications through RPL – a total of 18 974 records of achievement by 17 914 people. The achievement of unit standards not yet leading to a completed qualification is excluded from the analysis, as well as 176 records that are from the period 1996 to 2001 and have unknown demographics. The NQF levels referred to are those of the eight-level NQF (“old” levels), as many of the qualifications do not yet have their new levels assigned to them.

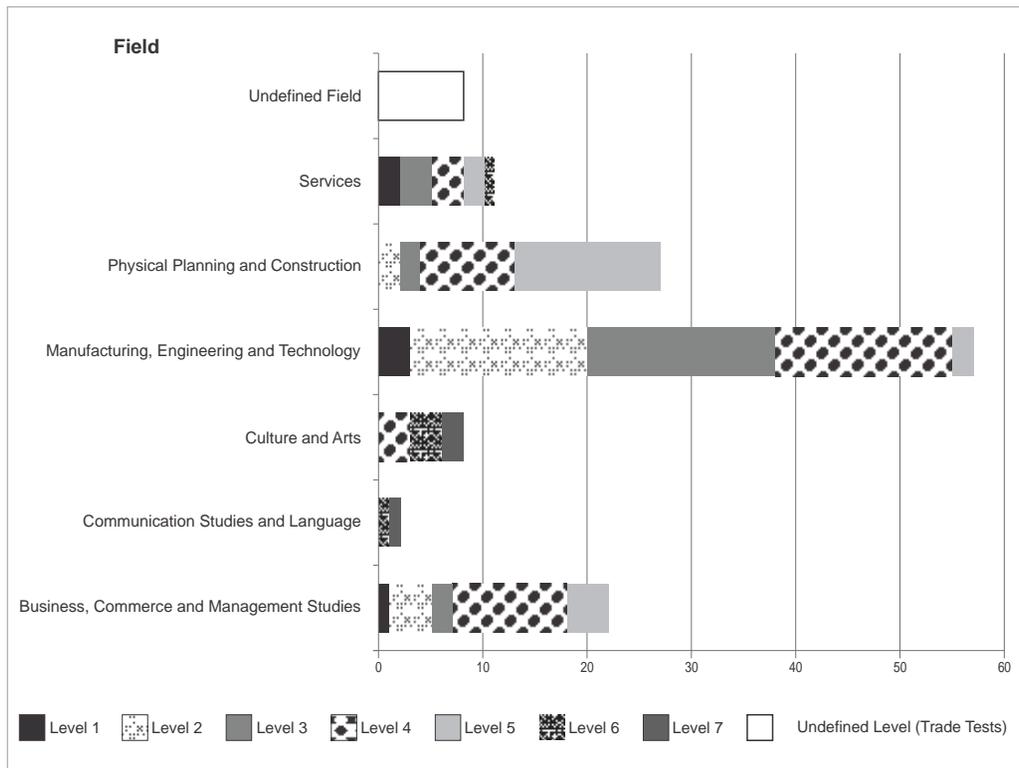
## **ANALYSIS**

1. A total of 17 914 people on the NLRD have achieved qualifications through RPL. The total number of records of the achievement of qualifications through RPL is 18 974 (i.e. some learners have more than one achievement via RPL).
2. A total of 135 qualifications have been achieved through RPL, as shown in Figure 1. Most of these (57) are in the field of Manufacturing, Engineering and Technology, at NQF Levels 1, 2, 3, 4 and 5, followed by 27 qualifications in the field of Physical Planning and Construction and 22 in the field of Business, Commerce and Management Studies. The fields of Services, Culture and Arts, and Communication Studies and Language, plus eight Trade Test qualifications also have records of achievement of qualifications through RPL. None of the other six NQF fields have records of achievement of qualifications through RPL.
3. Although the majority of the qualifications achieved were in Manufacturing, Engineering and Technology, the majority of the 18 974 achievements were in the field

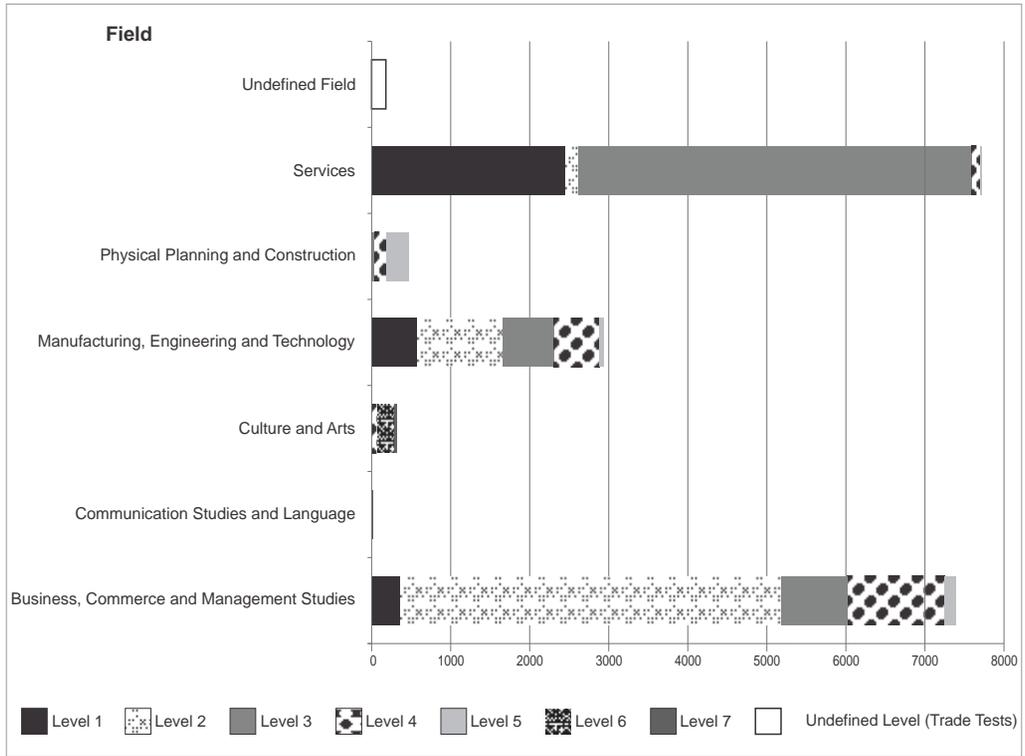
of Services, mostly at NQF Levels 1 and 4, followed by Business, Commerce and Management Studies, mostly at Level 2, as shown in Figure 2. The Services Level 1 qualifications were the National Certificate: Hygiene and Cleaning and the General Education and Training Certificate: Domestic Services, while the Level 4 qualifications were the Further Education and Training Certificate: Real Estate, and the National Certificate: Ladies Hairdressing. The Level 2 qualifications in Business, Commerce and Management Studies were the National Certificate: Business Administration Services, the National Certificate: New Venture Creation (SMME) and the National Certificate: Contact Centre Support.

4. As shown in Figure 3, the majority of people achieving qualifications through RPL, as recorded on the NLRD, have been African women, mostly in the year 2005; and white women mostly in the years 2009 and 2010; followed by African men, mostly in the years 2005 and 2010; and white men, mostly in the years 2009 to 2010.

**Figure 1: Number of Qualifications by NQF Level and Subfield**



**Figure 2: Number of Learner Achievements by NQF Level and NQF Field**





5. Seven ETQA bodies, comprising six SETAs and the CHE, submitted records of achievement of qualifications via RPL, as shown in Table 1. The number of education and training providers for which they submitted these records was 227.

**Table 1: Number of Learner Achievements, and Number of Associated Providers, per ETQA**

ETQA	Number of Achievements Records	Number of Providers
CHE	262	2
CHIETA	2 897	31
EWSETA	80	10
FPMSETA	14	13
MAPPP	396	107
SERVICES	15 277	54
TETA	48	10
Total	18 974	227

## CONCLUSION

While it is encouraging to note the utilisation of RPL by these seven ETQAs, further work is being done to encourage broader utilisation, as well as the obtaining and loading onto the NLRD of the records that do exist but have not yet been submitted, thus not yet allowing the national acknowledgement of the learners' achievements.



## ACRONYMS

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ABET	Adult Basic Education and Training
AFPA	<i>Association pour la formation professionnelle des adultes</i>
ALFIs	Adult-Learner-Friendly Institutions
ANC	African National Congress
ANI	<i>Accord National Interprofessionnel</i>
APEC	Asia Pacific Economic Co-operation
APL	Accreditation of Prior Learning
APEL	Accreditation of Prior Experiential Learning
CAEL	Council for Adult and Experiential Learning
CAT	Credit Accumulation and Transfer
CEDEFOP	European Centre for Development of Vocational Training
CETCs	Community Education and Training Centres
CHE	Council on Higher Education
CPD	Continuing Professional Development
CONVEYT	Mexican National Council of Education for Life and Work
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
ECOWAS	Economic Community of West-African States
EDNET	Education Network Subgroup
ETDP	Education, Training and Development Practitioner
ETQA	Education and Training Quality Assurance
EVC	<i>Erkenning van Verworven Competenties</i>
EU	European Union
FAIS	Financial Advisory and Intermediary Services
FET	Further Education and Training
FNTI	First Nations Technical Institute
FONGECIF	<i>Fonds de gestion des congés individuels de formation</i>
FTE	Full-Time Equivalent
HEI	Higher Education Institution
HEQF	Higher Education Qualifications Framework
HET	Higher Education and Training
HRDS	Human Resource Development Strategy

IKS	Indigenous Knowledge System
ISCED	International Standard Classification of Education
JET	Joint Education Trust
LLL	Lifelong Learner
NGO	Non-Governmental Organisation
NLRD	National Learners' Records Database
NPC	National Planning Commission
NQF	National Qualifications Framework
NSDS	National Skills Development Strategy
OECD	Organisation for Economic Co-operation and Development
OPCA	<i>Organismes paritaires collecteurs agréés</i>
PALCS	Public Adult Learning Centres
PLAR	Prior Learning Assessment and Recognition
QCTO	Quality Council for Trades and Occupations
RNCP	<i>Répertoire national des certifications professionnelles</i>
RPL	Recognition of Prior Learning
SADC	Southern African Development Community
SAIVCET	South African Institute for Vocational and Continuing Education and Training (proposed)
SAQA	South African Qualifications Authority
SETA	Sector Education and Training Authority
SMME	Small-, Medium- and Micro-Enterprise
UMALUSI	Council for Quality Assurance in General and Further Education and Training
UNESCO	United Nations Educational, Scientific and Cultural Organization
US	United States (of America)
VAE	<i>Validation des Acquis de l'Expérience</i>
VAP	<i>Validation des acquis professionnels</i>
WHEP	Workers Higher Education Project

## Sector Education and Training Authorities

AGRISETA	Agricultural Sector Education Training Authority SETA
BANKSETA	Bank SETA
CATHSSETA	Culture Arts, Tourism, Hospitality and Sports SETA
CETA	Construction Education and Training Authority SETA
CHIETA	Chemical Industries SETA
ETDP-SETA	Education Training and Development Practices SETA
EWSETA	Energy and Water SETA
FASSET	Finance, Accounting, Management Consulting and other Financial Services SETA
FOODBEVSETA	Food and Beverage Manufacturing Industry SETA
FPM	Fibre, Processing & Manufacturing SETA
HWSETA	Health and Welfare SETA
INSETA	Insurance SETA
LGSETA	Local Government SETA
MERSETA	Manufacturing, Engineering and Related Services SETA
MICT	Media, Advertising, Information and Communication Technologies SETA
MQA	Mining Qualifications Authority SETA
PSETA	Public Service SETA
SASSETA	Safety and Security SETA
SERVICES SETA	Services SETA
TETA	Transport SETA
W&RSETA	Wholesale and Retail SETA







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